



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 19, 1891.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

HINDU FAMILY ANNUITY FUND.

Abstract Statement of the Audited Accounts of the Hindu Family Annuity Fund for the Quarters ended 30th June and 30th September, 1890.

RECEIPTS.	Quarter	Quarter	DISBURSEMENTS.	Quarter	Quarter
	ended 30th	ended 30th		ended 30th	ended 30th
	June,	September,		June,	September,
General Subscription . . .	8,354 8 3	8,530 9 3	Annuity	1,911 14 9	2,207 7 11
Interest	6,456 13 11	0 0 6	Establishment	349 13 0	351 0 0
Miscellaneous Receipts . . .	4 11 0	4 13 0	Miscellaneous Charges	440 12 3	226 3 0
Government of India . . .	2,937 0 0	2,730 0 0	Government of India for		
Advances Recoverable . . .	113 10 1	..	Deposit	14,913 5 3	8,510 14 9
Entrance Fees	48 0 0	12 0 0	Deposits	132 5 9	110 13 3
Deposits	83 13 9	94 11 9	Valuation of Assets and		
Opening Cash Balance . . .	408 8 3	307 3 11	Liabilities	351 10 4	...
			Closing Cash Balance . . .	307 3 11	272 15 6
TOTAL . . .	18,407 1 3	11,679 6 5	TOTAL . . .	18,407 1 3	11,679 6 5

Published by order of the Directors, agreeably to Rule 89.

BIPIN BIHARI GHOSH, B.A.,
CHUNI LAL GHOSE,
Auditors.

PRANKISSEN BOSE,
Secretary.

CALCUTTA,
The 17th September, 1891.

PROMISSORY NOTES.

Destroyed.

The Government Promissory Note, No. 055562-049158, of the 4 per cent. loan of 1854-55, for Rs 500, originally standing in the name of Kamta Pershad and Bhagwati Pershad, and last endorsed to Shah Boodhoojie, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest, and for the issue of a duplicate in favour of the proprietor, after six months from date of last advertisement.

SHAH BOODHOOJIE,
City Faruckabad.

Partially Destroyed.

The Government Promissory Notes, Nos. 190586, 190587, 190588, and 190589, of the 4 per cent. loan of 1842-43, for Rs 100 each, originally standing in the name of Bank of Bengal and last endorsed to Hemnath Sen, the proprie-

tor, by whom it was never endorsed to any other person. Payment of the above notes and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest, and for the issue of duplicates in favour of the proprietor, after six months from date of last advertisement.

Calcutta.

HEMNATH SEN.

Stolen.

The Government Promissory Note, No. 294511, of the 4 per cent. of 1865, for Rs 1,000, originally standing in the name of Bank of Bengal, and last endorsed to Mahendranath Sircar, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

MAHENDRANATH SIRCAR,
Station Master, O. & R. R., Fyzabad.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 26, 1891.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

NOTICE.

IN THE COURT OF SMALL CAUSES, AJMERE.
Proceedings of an Enquiry held under Chapter 20, Act XIV of 1882.

Applicant (Judgment-debtor) Hazari Mall, son of Bagh Mall, Mahajan of Pisangan, Zillah Ajmere,

versus

Rai Bahadur Seth Mool Chand Nemi Chand of Ajmere.

Decree passed by this Court.

Names of Scheduled Creditors, with the amount due.

	R a. p.
1. Sheo Narain, son of Tulsi Ram, of Pisangan, Zillah Ajmere	730 0 0
2. Ram Lal, son of Zorji, of Nagelao	325 0 0
3. Rai Bahadur Seth Mool Chand	217 6 6
4. Rai Bahadur Seth Mool Chand	40 0 0
TOTAL	1,312 6 6

Under the provisions of Section 354, Civil Procedure Code, it is hereby notified that the above-named Hazari Mall has been declared insolvent, and discharged under Section 351 of the aforesaid Code.

NIZAMUDDIN,

Judge, Small Cause Court, Ajmere.

NOTICE.

In the Matter of the Indian Companies' Act, 1882, and in the Matter of the Jutput Gold Mining Company, Limited.

By an Order made by Her Majesty's High Court of Judicature at Fort William in Bengal, in the above Matter, dated the 17th day of September, on the Petition of Ramjeebun Serowjee Narain Doss Bagree and Muttroomull Serowjee, Contributors of the said Company, it was ordered that the said Jutput Gold Mining Company, Limited, be wound up by the said Court under the provisions of the Indian Companies'

Act, 1882, and the said Court did, by its said Order, appoint H. T. Hyde, Esq., Barrister-at-Law, the Official Liquidator of the said Company.

Dated this 19th day of September, 1891.

CARRUTHERS & CO.,
Solicitors for the Official Liquidator.

PROMISSORY NOTES.

Partially Destroyed.

The Government Promissory Notes, Nos. 190586, 190587, 190588, and 190589, of the 4 per cent. loan of 1842-43, for R100 each, originally standing in the name of Bank of Bengal and last endorsed to Hemnath Sen, the proprietor, by whom it was never endorsed to any other person. Payment of the above notes and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest, and for the issue of duplicates in favour of the proprietor after six months from date of last advertisement.

Calcutta.

HEMNATH SEN.

Stolen.

The Government Promissory Note, No. 294511, of the 4 per cent. of 1865, for R1,000, originally standing in the name of Bank of Bengal, and last endorsed to Mahendranath Sircar, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

MAHENDRANATH SIRCAR,
Station Master, O. & R. R., Fyzabad.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 3, 1891.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

NOTICE.

In the Matter of the Indian Companies' Act, 1882, and in the Matter of the Jutput Gold Mining Company, Limited.

Notice is hereby given that by an Order made by Her Majesty's High Court of Judicature at Fort William in Bengal in the above Matter, dated the 24th of September, 1891, it is ordered that the creditors of the said Company do within six weeks from the date thereof send in their names and addresses and the particulars of their debts or claims, and the names and addresses of their attorneys or pleaders, if any, to Henry Thomas Hyde, Esquire, Barrister-at-Law, of No. 3, Old Post Office Street, in the Town of Calcutta, the Official Liquidator of the said Company, and, if so required by notice in writing from the said Official Liquidator, are by their attorneys or pleaders to come in and prove their said debts or claims at the said High Court of Judicature at Fort William in Bengal, at such time as shall be specified in such notice, or in default thereof, they will be excluded from the benefit of any distribution made before such debts are paid. And it is further ordered that all persons holding share certificates or share warrants in the said Company or receipts for money paid to the Jutput Gold Syndicate, exchangeable for shares in the said Jutput Gold Mining Company, Limited, do within six weeks from the date of the said Order send their names and addresses, and deposit and leave with the said Official Liquidator the share certificates, share warrants, and receipts held by them respectively together with the numbers and particulars of such share certificates, share warrants, and receipts respectively, so held by them, and the names and addresses of their respective attorneys or pleaders (if any).

CARRUTHERS & CO.,
Solicitors for the Official Liquidator.

Calcutta, the 25th September, 1891.

COUPONS.

Lost.

Interest Coupon for R22-8-0, relating to 4½ per cent. Loan No. D-06166 of 1879, for R1,000, for the half-year ended 15th September, 1891.

T. FRASER,

for Agent,

Chartered Bank of India, Australia and China.

PROMISSORY NOTES.

Lost.

The Government Promissory Note, No. 015289, of the 4½ per cent. of 1878, for R1,500, originally standing in the name of Mr. V. N. Gopaliengar, and last endorsed to Mr. V. N. Gopaliengar, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of Papannah, son-in-law of Gowder Chenna Basannah of Bangalore, who has obtained the rights and interests of the said Mr. V. N. Gopaliengar over the said Promissory Note from the said V. N. Gopaliengar under a registered deed dated 10th October, 1890.

PAPANNAH,

Son-in-law of Gowder Chenna Basannah.

BANGALORE,

The 22nd August, 1891.

Stolen.

The Government Promissory Note, No. 294511, of the 4 per cent. of 1865, for Rs.1,000, originally standing in the name of Bank of Bengal, and last endorsed to Mahendranath Sircar, the proprietor, by whom it was never endorsed to any other person. Payment of the

above note and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

MAHENDRANATH SIRCAR,
Station Master, O. & R. R., Fyzabad.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 10, 1891

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

Abstract Statement of Receipts and Disbursements of the Uncovenanted Service Family Pension Fund for the Second Quarter ending 31st October 1890, compared with the corresponding quarter of the year 1889.

PARTICULARS.	For the 2nd quarter ending 31st October 1890.		For the 2nd quarter ending 31st October 1889.		Increase.	Decrease.
	Rs.	A. P.	Rs.	A. P.		
Balance at credit of the Fund on the Government books at the end of the quarter	1,10,24,371	0 10	1,08,79,973	4 2	3,46,397 12 8	.....
ADD RECEIPTS—						
Subscriptions from August to October in the Widows' Fund	1,30,711	11 9	1,30,110	5 6	601 6	.....
Ditto ditto Children's Fund	86,167	15 9	86,422	4 9	.....	1,154 5 0
Entrance fees, &c., ditto	388	7 3	479	14 0	.....	91 6 9
Amount at credit of subscribers under Rule 55 retransferred to divisible surplus	1,174	12 0	1,234	4 0	.....	63 8 0
Total Receipts	2,17,442	14 9	2,18,150	12 3	601 6 3	1,309 3 9
GRAND TOTAL	1,243,813	15 7	1,08,98,124	0 5	A3,46,099 2 1	1,309 3 9
DEDUCT DISBURSEMENTS—						
Pensions payable to incumbents in the Widows' Fund	1,01,694	12 1	99,144	10 4	2,550 1 9	.....
Ditto ditto Children's Fund	70,667	13 2	66,882	9 8	3,785 3 6	.....
Establishment, including house-rent and contingencies, &c.	86,996	11 3	7,314	1 0	.....	7,265 14
Loss on exchange of remittances to England	8,975	10 6	18,894	3 8	.....	16 1 6
Amount of fine written back	.....		16	1 6	.....
Total Disbursements	1,91,334	15 0	1,02,281	10 2	6,335 5 3	7,282 0 5
Balance in favour of the Fund	1,04,52,479	0 7	1,07,05,842	6 8	C3,40,663 13 8	5,972 12 8
Proportion of divisible surplus payable to qualified members of more than 5 years' standing	95,545	0 0	87,697	0 0	7,848 0 0	.....
	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.
Number of subscribers	1,552	1,032	1,562	1,030	.....	10
Ditto incumbents	482	706	471	677	11	29
Ditto subscribers sharing abatement	1,245	806	1,247	804	.....	2
	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.

A Net increase in Grand Total of Receipts Rs. 3,46,099-15-2.

B Includes Rs. 1,419-14-6, appertaining to the 1st quarter, adjusted in the 2nd quarter.

C Net increase in Balance Rs. 3,46,636-10-4.

E. H. LLOYD, } *Auditors.*

H. BRADBURY } *Auditors.*

Published by order of the Directors,

W. H. RYLAND, *Secretary, U. S. F. P. Fund.*

FUND OFFICE, the 24th September 1891.

PROMISSORY NOTES.

Lost.

The Government Promissory Note, No. 811983, of the 4½ per cent. of 1878, for Rs. 1,500, originally standing in the name of Mr. V. N. Gopaliengar, and last endorsed to Mr. V. N. Gopaliengar, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of Papannah, son-in-law of Gowder Chenna Basannah of Bangalore, who has obtained the rights and interests of the said Mr. V. N. Gopaliengar over the said Promissory Note from the said V. N. Gopaliengar under a registered deed dated 10th October, 1890.

PAPANNAH,
Son-in-law of Gowder Chenna Basannah.

BANGALORE,
The 22nd August, 1891.

Lost.

Government Promissory Note, No. 032661, of the 4½ per cent. loan of 1879, for Rs. 1,000, originally standing in the name of Comptoir d'Escompte de Paris, and last endorsed to Luxmibai, widow of Yeshwantrow Gopalrow, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and

the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the accrued interest and for the issue of duplicates in favour of the proprietor after two years from the date of the last advertisement.

LUXMIBAI, WIDOW OF YESHWANTROW
GOPALROW MAIRAL JAMBEKER,
*Proprietor, House No. 191,
Pett Sudashew, Poona.*

Destroyed by White-Ants.

The Government Promissory Notes, Nos. 235977, 235978, 235979, and 235991 of the 4 per cent. loan of 1865 for Rs. 500 each originally standing in the name of Kumud Kamini Dassee, Notes No. 163493 originally standing in the name of Ramjebun Ghose, No. 206706 originally standing in the name of the Comptroller-General, and No. 220245 originally standing in the name of Tarini Churn Ghose, of the 4 per cent. loan of 1865, for Rs. 500 each, and last endorsed to Kumud Kamini Dassee, the proprietress, by whom they were never endorsed to any other person. Payments of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application has already been made for the issue of duplicates in favour of the proprietress.

KUMUD KAMINI DASSEE,
*55, Doctor's Lane, Taltolla,
Calcutta.*



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 17, 1891.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost.

The Government Promissory Note, No. 615289, of the 4½ per cent. of 1878, for Rs. 1,500, originally standing in the name of Mr. V. N. Gopaliengar, and last endorsed to Mr. V. N. Gopaliengar, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of Papannah, son-in-law of Gowder Chenna Basannah of Bangalore, who has obtained the rights and interests of the said Mr. V. N. Gopaliengar over the said Promissory Note from the said V. N. Gopaliengar under a registered deed dated 10th October, 1890.

PAPANNAH,

Son-in-law of Gowder Chenna Basannah.

BANGALORE,
The 22nd August, 1891.

Lost.

Government Promissory Note, No. 032661, of the 4½ per cent. loan of 1879, for Rs. 1,000, originally standing in the name of Comptoir d'Escompte de Paris, and last endorsed to Luxmibai, widow of Yeshwantrow Gopalrow, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and

the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the accrued interest and for the issue of duplicates in favour of the proprietor after two years from the date of the last advertisement.

LUXMIBAI, WIDOW OF YESHWANTROW
GOPALROW MAIRAL-JAMBEKER,
*Proprietor, House No. 191,
Pett Sudashew, Poona.*

Destroyed by White-Ants.

The Government Promissory Notes, Nos. 235977, 235978, 235979, and 235991 of the 4 per cent. loan of 1865 for Rs. 500 each originally standing in the name of Kumud Kamini Dassee. Notes No. 163493 originally standing in the name of Ramjebun Ghose, No. 206706 originally standing in the name of the Comptroller-General, and No. 220245 originally standing in the name of Tarini Churn Ghose, of the 4 per cent. loan of 1865, for Rs. 500 each, and last endorsed to Kumud Kamini Dassee, the proprietress, by whom they were never endorsed to any other person. Payments of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application has already been made for the issue of duplicates in favour of the proprietress.

KUMUD KAMINI DASSEE,
*55, Doctor's Lane, Taltolla,
Calcutta.*



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 24, 1891.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

NOTICE.

IN THE COURT OF SMALL CAUSES, AJMERE.
Proceedings of the enquiry No. 5 of 1890 held under Chapter 20, Act XIV of 1882.

Applicant (judgment-debtor) Shoe Lall, son of Chotoo Potter of Nusseerabad,

versus

Dilsukh, son of Hurda Mahagen of Nuseerabad.
Decree passed by this Court.

Names of creditors with the amount due.

		R a. p.
1.	Dilsukh Mahagen	704 1 6
2.	Rugh Nath	407 13 0
3.	Ram Chander	55 12 0
4.	Durga	70 7 6
5.	Ram Sukh	25 4 9
6.	Balu Ram	6 10 0
7.	Hukman	23 0 0
8.	Chagu	126 6 0
9.	Mangal Chand	114 0 0
10.	Bahader Singh	35 0 0
11.	Chotoo	5 0 0
12.	Gobind Ram	10 0 6
TOTAL		1,583 7 3

Under the provisions of Section 354, Civil Procedure Code, it is hereby notified that the above-named Shoe Lall, son of Chotoo Potter, has been declared insolvent and discharged under Section 351 of the aforesaid Code.

NIZAMUDDIN,
Judge, Small Cause Court, Ajmere.

PROMISSORY NOTES.

Lost.

Government Promissory Note, No. 032661, of the $\frac{1}{2}$ per cent. loan of 1879, for Rs 1,000, origin-

ally standing in the name of Comptoir d'Escompte de Paris, and last endorsed to Luxmibai, widow of Yeshwantrow Gopalrow, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the accrued interest and for the issue of duplicates in favour of the proprietor after two years from the date of the last advertisement.

LUXMIBAI, WIDOW OF YESHWANTROW
GOPALROW MAIRAL JAMBEKER,
*Proprietor, House No. 191,
Pett Sudashew, Poona.*

Destroyed by White-Ants.

The Government Promissory Notes, Nos. 235977, 235978, 235979, and 235991 of the 4 per cent. loan of 1865 for Rs 500 each originally standing in the name of Kumud Kamini Dassee. Notes No. 163493 originally standing in the name of Ramjebun Ghose, No. 206706 originally standing in the name of the Comptroller-General, and No. 220245 originally standing in the name of Tarini Churn Ghose, of the 4 per cent. loan of 1865, for Rs 500 each, and last endorsed to Kumud Kamini Dassee, the proprietress, by whom they were never endorsed to any other person. Payments of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application has already been made for the issue of duplicates in favour of the proprietress.

KUMUD KAMINI DASSEE,
*55, Doctor's Lane, Taltolla,
Calcutta.*



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 31, 1891.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

Lost.

The upper halves of Government Promissory Note No. 206028 of the 4 per cent. loan of 1865, issued on 25th February 1885 in name of Agra Bank for Rs 500, and Note No. 239875 of 1865, issued on 21st April 1887 in name of Bubanesh Chackravarti for Rs 1,500, both en faced on 13th February 1890 for interest payable at Shahabad in name of Salabi Mahomedan, and last endorsed to Mrs. Louisa Woodward, the proprietress by whom they were never endorsed to any other person. Payment of the above notes

and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and at the Shahabad Treasury, and application is about to be made for the issue of duplicates in favour of the proprietress. The lower halves of the above notes are in the hands of the National Bank of India, "Limited."

LOUISA WOODWARD,
By her Attorney.

For the National Bank of India, Ltd.
J. A. TOOMEY,
Manager.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 7, 1891.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PARTNERSHIP.

Notice is hereby given that the partnership heretofore existing between the undersigned in the trade or business of Drapers, &c., carried on by us at Simla, in the Simla District of the Punjab, under the firm of "Cowmeadow, Berriff & Co.," was dissolved on the 15th September, 1891, by mutual consent. All debts due to and owing by the late firm will be recovered and paid by James Bruce Cowmeadow, by whom the business will in future be carried on at Simla aforesaid, under the style or firm of J. B. Cowmeadow & Co. Dated this 1st day of October, 1891.

J. B. COWMEADOW.
ALF. BERRIFF.

PROMISSORY NOTES.

Lost.

The upper halves of Government Promissory Note No. 206028 of the 4 per cent. loan of 1865,

issued on 25th February 1885 in name of Agra Bank for Rs 500, and Note No. 239875 of 1865, issued on 21st April 1887 in name of Bubanesh Chackravarti for Rs 1,500, both enfraced on 13th February 1890 for interest payable at Shahabad in name of Salabi Mahomedan, and last endorsed to Mrs. Louisa Woodward, the proprietress by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and at the Shahabad Treasury, and application is about to be made for the issue of duplicates in favour of the proprietress. The lower halves of the above notes are in the hands of the National Bank of India, "Limited."

LOUISA WOODWARD,
By her Attorney.

For the National Bank of India, Ltd.
J. A. TOOMEY,
Manager.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 14, 1891.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

NEW RULE OF BUSINESS.

It has become necessary, for the interest of the Trade of the Port, to provide for the contingency of goods being shipped at Diamond Harbour or between Diamond Harbour and the Port of Calcutta itself. The Committee of the Bengal Chamber of Commerce therefore recommend for general adoption, as a rule of the Port, the following Rule which has met with the practically unanimous support of the Members of the Chamber:—

"In cases where, for mutual convenience, arrangements are made to put cargo on board vessels at Diamond Harbour or between Calcutta and Diamond Harbour, shipments so made shall be deemed to be and shall be accepted as 'Calcutta Shipment.'"

By order of the Committee,

S. E. J. CLARKE,
Secretary.

BENGAL CHAMBER OF COMMERCE,
CALCUTTA,
The 12th November, 1891.

PROMISSORY NOTES.

Lost.

The upper halves of Government Promissory Note No. 206028 of the 4 per cent. loan of 1865, issued on 25th February 1885 in name of Agra Bank for Rs 500, and Note No. 239875 of 1865, issued on 21st April 1887 in name of Bubanesh Chackravarti for Rs 1,500, both enfraced on 13th February 1890 for interest payable at Shahabad in name of Salabi Mahomedan, and last endorsed to Mrs. Louisa Woodward, the proprietress by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and at the Shahabad Treasury, and application is about to be made for the issue of duplicates in favour of the proprietress. The lower halves of the above notes are in the hands of the National Bank of India, "Limited."

LOUISA WOODWARD,

By her Attorney.

For the National Bank of India, Ltd.

J. A. TOOMEY,

Manager.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 21, 1891.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

NOTICE.

I, Robert Henry Sneyd-Hutchinson, Assistant Superintendent, Bengal Frontier Police, at present of Fort Tregear, Lushai Land, hereby declare that I have this day adopted and shall henceforth use the surname of "Sneyd-Hutchinson," in lieu of my present surname of "Hutchinson." Dated this seventh day of November One thousand eight hundred and ninety-one.

R. H. SNEYD-HUTCHINSON.

Declared in my presence—

JOHN SHAKSPEAR, *Captain*,
Superintendent, South Lushai Hills,
Witness.

PROMISSORY NOTES.

Stolen.

The Government Promissory Note, No. 001593, dated 15th March, 1879, of the 4½ per cent. portion of 1879, for Rs 500, originally standing in the name of Juggo Bundhu Chatterjee, and last endorsed to Gopal Chander Banerjee, by whom it was never endorsed to any other person.

The Promissory Note was despatched from the Benares City Post Office on the 15th March, 1890, in an insured cover by Babu Radhika Nath Mukerjee, to the address of Babu Gopal Chander Banerjee at Sogra, District Sambhalpur, to whom it was last endorsed. During transit by post the insured letter was stolen by a clerk of the Bilaspur Post Office, who, on conviction by a Criminal Court, was sentenced to seven years' transportation. The Postal Department had to pay to the said Babus Radhika Nath Mukerjee and Gopal Chander Banerjee a sum of Rs 531-14 on account of the value of the note and interest due thereon, and, in consideration of the money paid, the said Babus Radhika Nath Mukerjee and Gopal Chander Banerjee have executed a deed of assignment transferring their interests in the note to the Postal Department. Full particulars of the case have been reported to the Public Debt Office, Bank of Bengal, and an application is to be made for accrued interest and for the issue of a duplicate in favour of the Postal Department in due course.

K. J. BADSHAH, C.S.,
On behalf of the Right Hon'ble the
Secretary of State for India,
Allahabad.

ALLAHABAD,
The 16th November, 1891.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 28, 1891.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Stolen.

The Government Promissory Note, No. 001593, dated 15th March, 1879, of the 4½ per cent. portion of 1879, for Rs 500, originally standing in the name of Juggo Bundhu Chatterjee, and last endorsed to Gopal Chander Banerjee, by whom it was never endorsed to any other person.

The Promissory Note was despatched from the Benares City Post Office on the 15th March, 1890, in an insured cover by Babu Radhika Nath Mukerjee, to the address of Babu Gopal Chander Banerjee at Sogra, District Sambhalpur, to whom it was last endorsed. During transit by post the insured letter was stolen by a clerk of the Bilaspur Post Office, who, on conviction by a Criminal Court, was sentenced to seven years' transportation. The Postal Department

had to pay to the said Babus Radhika Nath Mukerjee and Gopal Chander Banerjee a sum of Rs 531-14 on account of the value of the note and interest due thereon, and, in consideration of the money paid, the said Babus Radhika Nath Mukerjee and Gopal Chander Banerjee have executed a deed of assignment transferring their interests in the note to the Postal Department. Full particulars of the case have been reported to the Public Debt Office, Bank of Bengal, and an application is to be made for accrued interest and for the issue of a duplicate in favour of the Postal Department in due course.

K. J. BADSHAH, C.S.,

*On behalf of the Right Hon'ble the
Secretary of State for India,
Allahabad.*

ALLAHABAD,

The 16th November, 1891.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 5, 1891.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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ALLAHABAD,
The 16th November, 1891.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 22, 1891.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA. LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 20th August 1891, and is hereby promulgated for general information:

ACT NO. XVII OF 1891.

An Act to amend the Indian Merchant Shipping Act, 1880.

WHEREAS it is expedient to amend and add to the provisions of the Indian Merchant Shipping Act, 1880 (hereinafter called the said Act), respecting unseaworthy and unsafe ships; It is hereby enacted as follows:—

1. (1) This Act may be called the Deck and Load Lines Act 1891: Title and commencement and

(2) It shall come into force on the first day of September, 1891.

2. To section 3 of the said Act the following shall be added, namely:—
Addition to section 3, Act VII, 1880.

"The Local Government, with the previous sanction of the Governor General in Council, may from time to time, by notification in the local official Gazette, exclude from, or bring again within, the operation of this Chapter or any part thereof, subject to such modifications thereof (if any) as may be specified in the notification, any Native craft not square-rigged."

3. To section 4 of the said Act the following shall be added, namely:—
Addition to section 4, Act VII, 1880.

"Amidships" means the middle of the length of the lead water-line as measured from the fore side of the stem to the aft side of the stern-post."

4. For sections 33 to 43, both inclusive, of the said Act the following sections shall be substituted, namely:—
Substitution of new sections for sections 33 to 43, Act VII, 1880.

"Deck and Load-lines.

"33. (1) Every British Indian ship shall be permanently and conspicuously marked outside with lines of not less than twelve inches in length and one inch in breadth painted longitudinally on each side amidships, or as near thereto as practicable, and indicating the position of each deck which is above water.

(2) The upper edge of each of these lines shall be level with the upper side of the deck-plank next the waterway at the place of marking.

(3) The lines shall be white or yellow on a dark ground, or black on a light ground.

"34. (1) The master of every British ship not being a coasting-vessel in case of vessels which are not coasting-vessels. Sea Customs Act, 1878, VIII of 1878. shall, before his ship is entered outwards from any port in British India upon any voyage, or, if that is not practicable, as soon after as may be, mark outside upon each of her sides amidships, or as near thereto as practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter, with a horizontal line eighteen inches in length drawn through its centre.

(2) The centre of the disc shall be placed at such level below the deck-line marked under

^{39 & 40 Vict.} ^{c. 80.} the provisions of this Chapter or of the Merchant Shipping Act, 1876, as may be approved by the Local Government, and shall indicate the maximum load-line in perfectly smooth salt-water to which it shall be lawful to load the ship.

(3) When a ship has been marked as by this section required, she shall be kept so marked until she next returns to a port of discharge in British India or arrives at a port in the United Kingdom.

"35. (1) Every person applying for entry of any such ship outwards shall insert, in the form of application to Customs officer for entry outwards of such vessel as aforesaid, a statement in writing of the distance in feet and inches between the centre of such disc and the upper edge of each of the lines indicating the position of the ship's decks which is above such centre; and, if default be made in delivering this statement, the Customs-collector may refuse to enter the ship outwards.

(2) A copy of this statement shall be entered in the agreement with the crew before it is signed by any member of the crew, and no shipping-master shall proceed with the engagement of a crew for any such ship until this entry has been made.

(3) The master shall enter a copy of this statement in the official log-book (if any).

"36. (1) The master of every British ship which is a coasting-vessel in case of coasting, within the meaning of the Sea Customs Act, 1878, shall before proceeding to sea from any port, mark outside upon each of her sides amidships, or as near thereto as practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter, with a horizontal line eighteen inches in length drawn through its centre.

^{39 & 40 Vict.} ^{c. 80.} (2) The centre of the disc shall be placed at such level below the deck-line marked under the provisions of this Chapter or of the Merchant Shipping Act, 1876, as may be approved by the Local Government, and shall indicate the maximum load-line in perfectly smooth salt-water to which it shall be lawful to load the ship.

(3) When a ship has been marked as required by this section, she shall be kept so marked until notice has been given of an alteration.

"37. (1) The master of every such ship shall send or deliver to the Collector, or other principal officer of Customs of such port as the Local Government may, from time to time, appoint in this behalf, a statement in writing of the distance in feet and inches between the centre of the disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre.

(2) The master, before the ship proceeds to sea after any renewal or alteration of the disc, shall send or deliver to the Collector or other principal officer of Customs aforesaid notice in writing of such renewal or alteration, together with such statement in writing as before mentioned of the distance between the centre of the disc and the upper edge of each of the deck-lines.

(3) If default be made in sending or delivering any notice or statement required by this section to be sent or delivered, the master shall be liable to a fine which may extend to one thousand rupees.

"38. The foregoing provisions of this Chapter with respect to deck and load-lines are subject to the modification of certain foregoing provisions of the two next following sections.

"39. (1) The position of the discs mentioned in sections 34 and 36 respectively shall be fixed in accordance with the tables framed by the Load-line Committee appointed in the United Kingdom before the passing of the Merchant Shipping Act, 1890, subject to such allowance as may be necessary in consequence of any difference between the position of the deck-line marked under the provisions of this Chapter or of the Merchant Shipping Act, 1876, and the position of the line from which free-board is measured under the said tables, and subject also to such modifications, if any, of the tables and the application thereof as may from time to time, with the previous approval of the Governor General in Council, be sanctioned by the Local Government.

(2) The Local Government shall from time to time appoint—

(a) a surveyor employed by Lloyd's or by any other society, corporation or association for the survey or registry of shipping approved by the Board of Trade under section 2 of the Merchant Shipping Act, 1890, and specially authorised in this behalf by Lloyd's or by such society, corporation or association, as the case may be, or

(b) an officer specially selected by the Local Government for the purpose,

to approve and certify on its behalf from time to time the position of any such disc as aforesaid, and any alteration thereof,

and may, with the previous sanction of the Governor General in Council, from time to time fix the fees to be taken in respect of any such approval or certificate.

(3) The Local Government may suspend or remove from office any surveyor or officer so appointed.

"40. (1) The Local Government, with the previous sanction of the Governor General in Council, may from time to time make rules—

(a) determining the lines or marks to be used in connection with any such disc as aforesaid, in order to indicate the maximum load-line under different circumstances and at different seasons, and declaring that the provisions of this Chapter are to have effect as if any such line were drawn through the centre of the disc;

(b) as to the mode in which the disc and the lines or marks to be used in connection therewith are to be marked or affixed on the ship, whether by painting, cutting or otherwise;

(c) as to the mode of application for, and form of, certificates under this Chapter; and

(d) as to the entry of such certificates, and any other prescribed particulars concerning the draught of water and free-board of the ship, in the official log (if any) of the ship, or other publication thereof on board the ship, and as to delivering copies of such entries.

(2) Rules under clause (a) of sub-section (1) may, with respect to any class or classes of ships,—

(i) declare what shall be deemed to be seasons of fair weather and seasons of foul weather respectively for any of the purposes of the rules, and

(ii) modify the tables referred to in sub-section (1) of section 39.

(3) All rules intended to be made under this section shall previously be published in draft in such manner as may be prescribed by the Local Government, and shall not be formally promulgated for ninety days at the least after such publication, and all such rules shall, while in force, have effect as if enacted by this Act.

“41. Any master of a ship who neglects to cause his ship to be marked as by this Chapter required merging, load-line, or to keep her so marked, or who allows the ship to be so loaded that when in perfectly smooth salt-water the centre of the disc is submerged,

and any person who conceals, removes, alters, defaces or obliterates, or suffers any person under his control to conceal, remove, alter, deface or obliterate, any of the lines or marks prescribed by or under this Chapter, except in the event of the particulars thereby denoted being lawfully altered, or for the purpose of escaping capture by an enemy,

shall be liable in respect of each such offence to a fine which may extend to one thousand rupees.

“42. The master of any ship on which any of the marks or lines prescribed by or under this Chapter is inaccurately placed so as to be likely to mislead, who does not forthwith cause such inaccuracy to be corrected, shall be liable to a fine which may extend to one thousand rupees.

“43. The provisions of this Chapter as to loading lines shall not apply to ships marked in the United Kingdom and having such lines fixed, marked and certified in accordance with the provisions of the law for the time being there in force, or to ships registered in a British possession and having such lines fixed, marked and certified in accordance with the provisions of an enactment passed by the Legislature of that possession, with respect to which enactment such a declaration as is mentioned in section 3 of the Merchant Shipping Act, 1890, has been made by an Order of Her Majesty in Council and is for the time being in force.”

5. To the said Act the following section shall be added, namely:—

Addition to Act VII, 1880.

“85. The provisions of this Act for the prevention of the overloading and improper loading of British ships shall apply to foreign ships also when in ports of British India unless such foreign ships, if in ports of the United Kingdom, would be entitled to the benefit of an Order of Her Majesty in Council under section 4 of the Merchant Shipping Act, 1890.”

53 Vict., c. 9.

S. HARVEY JAMES,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 3, 1891.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st October 1891, and is hereby promulgated for general information :

ACT NO. XVIII OF 1891.

An Act to amend the Law of Evidence with respect to Bankers' Books.

WHEREAS it is expedient to amend the Law of Evidence with respect to Bankers' Books ; It is hereby enacted as follows :—

1. (1) This Act may be called the Bankers' Books Evidence Act, 1891.

(2) It extends to the whole of British India ; and

(3) It shall come into force at once.

2. In this Act, unless there is something repugnant in the subject or Definitions. context,—

(1) "company" means a company registered under any of the enactments relating to companies from time to time in force in British India, or incorporated by an Act of Parliament or of the Governor General in Council, or by Royal Charter or Letters Patent :

(2) "bank" and "banker" mean—

(a) any company carrying on the business of bankers ;

(b) any partnership or individual to whose books the provisions of this Act shall have been extended as hereinafter provided :

(3) "bankers' books" include ledgers, day-books, cash-books, account-books and all other books used in the ordinary business of a bank :

(4) "legal proceeding" means any proceeding or inquiry in which evidence is or may be given, and includes an arbitration :

(5) "the Court" means the person or persons before whom a legal proceeding is held or taken :

(6) "Judge" means a Judge of a High Court :

(7) "trial" means any hearing before the Court at which evidence is taken ; and

(8) "certified copy" means a copy of any entry in the books of a bank, together with a certificate written at the foot of such copy that it is a true copy of such entry ; that such entry is contained in one of the ordinary books of the bank, and was made in the usual and ordinary course of business ; and that such book is still in the custody of the bank, such certificate being dated and subscribed by the principal accountant or manager of the bank with his name and official title.

3. The Local Government may, from time to time, by notification in the official Gazette, extend the provisions of this Act to the books of any partnership or individual carrying on the business of bankers within the territories under its administration, and keeping a set of not less than three ordinary account books, namely, a cash-book, a day-book or journal and a ledger, and may in like manner rescind any such notification.

4. Subject to the provisions of this Act, a certified copy of any entry in a banker's book shall in all legal proceedings be received as *prima facie* evidence of the existence of such entry, and shall be admitted as evidence of the matters, transactions and accounts therein recorded in every case where, and to the same extent as, the original entry itself is now by law admissible, but not further or otherwise.

5. No officer of a bank shall in any legal proceeding to which the bank is not a party be compelled to produce any banker's book the contents of which can be proved under this Act, or to appear as a witness to prove the matters, transactions and accounts therein recorded, unless by order of the Court or a Judge made for special cause.

6. (1) On the application of any party to a legal proceeding, the Court by order of Court or a Judge may order that such party be at liberty to inspect and take copies of any entries in a banker's book for any of the purposes of such proceeding, or may order the bank to prepare and produce, within a time to be specified in the order, certified copies of all such entries, accompanied by a further certificate that no other entries are to be found in the books of the bank relevant to the matters in issue in such proceeding, and such further certificate shall be dated and subscribed in manner hereinbefore directed in reference to certified copies.

(2) An order under this or the preceding section may be made either with or without summoning the bank, and shall be served on the bank three clear days (exclusive of bank holidays)

before the same is to be obeyed, unless the Court or Judge shall otherwise direct.

(3) The bank may at any time before the time limited for obedience to any such order as aforesaid either offer to produce their books at the trial or give notice of their intention to show cause against such order, and thereupon the same shall not be enforced without further order.

7. (1) The costs of any application to the Court or a Judge under or for the purposes of this Act and the costs of anything done or to be done under an order of the Court or a Judge made under or for the purposes of this Act shall be in the discretion of the Court or Judge, who may further order such costs or any part thereof to be paid to any party by the bank if they have been incurred in consequence of any fault or improper delay on the part of the bank.

(2) Any order made under this section for the payment of costs to or by a bank may be enforced as if the bank were a party to the proceeding.

(3) Any order under this section awarding costs may, on application to any Court of Civil Judicature designated in the order, be executed by such Court as if the order were a decree for money passed by itself:

Provided that nothing in this sub-section shall be construed to derogate from any power which the Court or Judge making the order may possess for the enforcement of its or his directions with respect to the payment of costs.

L. PORTER,

Offg. Secretary to the Government of India.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st October 1891, and is hereby promulgated for general information:

ACT NO. XIX OF 1891.

An Act to amend the Upper Burma Laws Act, 1886.

WHEREAS it is expedient to amend the Upper Burma Laws Act, 1886; It is hereby enacted as follows:—

1. (1) This Act may be called the Upper Burma Laws Act Amendment Act, 1891; and

(2) It shall come into force at once.

2. Clause (b) of section 7, sub-section (1), of the Upper Burma Laws Repeal of clause (b), section 7, sub-section (1), Act XX of 1886, is hereby repealed.

L. PORTER,
Offg. Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 10, 1891.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 8th October 1891, and is hereby promulgated for general information:

ACT NO. XX OF 1891.

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SCHEDULE.

An Act to make better provision for the administration of Municipalities in the Punjab.

WHEREAS it is expedient to make better provision for the administration of municipalities in the Punjab; It is hereby enacted as follows:

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be Title, extent and called the Punjab Municipal Act, 1891.

(2) It extends only to the territories for the time being administered by the Lieutenant-Governor of the Punjab; and

(3) It shall come into force on such day as the Local Government may, by notification in the official Gazette, appoint in this behalf.

The Punjab Municipal Act, 1891.

(*Chapter I.—Preliminary.—Sections 2-4. Chapter II.—Committees.—Section 5.*)

1884. 2. (1) The Punjab Municipal Act, 1884, is hereby repealed:—
 (2) But all municipalities constituted, committees established, limits Saving clause. defined, appointments, rules, regulations, bye-laws and orders made, notifications and notices issued, taxes, tolls, rates and fees imposed or assessed, contracts entered into and suits instituted under the said Act, or under the Punjab Municipal Act, 1873, or any enactment thereby repealed, shall, so far as may be, be deemed to have been respectively constituted, established, defined, made, issued, imposed or assessed, entered into and instituted under this Act.

3. In this Act, unless there is something repugnant in the subject Definitions. or context,—

(1) "municipality" means any local area declared by or under this Act to be a municipality:

(2) "committee" means a municipal committee established by or under this Act:

(3) "inhabitant" includes any person ordinarily residing or carrying on business, or owning or occupying immoveable property, in any municipality or in any local area which the Local Government has by notification under this Act proposed to declare to be a municipality:

(4) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway:

(5) "owner" includes the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant:

(6) "explosive" and "petroleum" have the meanings assigned to those words in the Indian Explosives Act, 1884, and the Petroleum Act, 1886, respectively:

(7) "notification" means a notification published under this Act in the official Gazette:

(8) "notified" means published as aforesaid:

(9) "rules" and "rule" mean respectively the rules made or to be made and notified by the Local Government under the authority of this Act, and any one of such rules: and

(10) "bye-laws" and "bye-law" mean respectively the regulations made or to be made by the committee at a special meeting under the authority of this Act, and any one of such regulations.

4. (1) The Local Government may, by notification, propose to declare any town or group of towns, together with or exclusive of any railway-station, village, building or land in the vicinity of any such town, or group of towns, a municipality under this Act:

Provided that no military cantonment or part of a military cantonment shall, without the consent of the Governor General in Council, be comprised in any such notification.

(2) Every such notification shall define the limits of the local area to which it relates.

(3) A copy of every notification under this section, with a translation in such vernacular language as the Local Government may direct, shall be affixed in some conspicuous place in the court-house of the Deputy Commissioner within whose jurisdiction the local area to which the notification relates lies, and in one or more conspicuous places in that local area.

(4) The Deputy Commissioner shall certify to the Local Government the date on which the copy and translation were so affixed, and the date so certified shall be deemed to be the date of publication of the notification.

(5) Should any inhabitant desire to object to a notification issued under sub-section (1), he may, within six weeks from the date of its publication, submit his objection in writing through the Deputy Commissioner to the Local Government, and the Local Government shall take his objection into consideration.

(6) When six weeks from the date of the publication have expired, and the Local Government has considered and passed orders on such objections as may have been submitted to it, the Local Government may by notification declare the local area to be, for the purposes of this Act, a municipality of the first or second class.

(7) A committee shall come into existence at such time as the Local Government may by notification appoint in this behalf.

CHAPTER II.

COMMITTEES.

Constitution of Committees.

5. (1) There shall be established for each municipality a committee having authority over the municipality and consisting of such number of members not less than three as the Local Government may fix in this behalf.

(2) Every such committee shall consist of members appointed by the Local Government either by name or by office, or of members elected from among the inhabitants in accordance with rules made under this Act, or partly of the one and partly of the other, as the Local Government may by notification direct:

Provided that—

(a) if the Local Government has directed that the elected members shall constitute the whole or any proportion of the committee, it shall not afterwards direct that they shall constitute any smaller proportion thereof except in compliance with the request of a majority of the electors for the time being, or for some reason which the Local Government may deem to affect the public interests; and,

(b) unless the Governor General in Council shall otherwise direct, the appointed members who are salaried officers of Government shall not exceed one-third of the whole committee.

(3) When, under a direction issued under sub-section (2), any places on a committee are

*The Punjab Municipal Act, 1891.**(Chapter II.—Committees.—Sections 6-14.)*

required to be filled by election, and a sufficient number of members has not been elected, the Local Government may fill those places by appointment.

6. (1) If a member of committee is appointed by office, the person for the time being holding the office shall be a member of the committee until the Local Government shall otherwise direct.

(2) The term of office for which all other members of committee shall be appointed and elected respectively shall be fixed by the Local Government by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(3) An outgoing member may, if otherwise qualified, be re-elected or re-appointed.

7. The Local Government may at any time, for any reason which it may deem to affect the public interests, by notification direct that a seat on any committee which is then filled by election shall thenceforth when vacant be filled by appointment, and it may also for a like reason and in the like manner direct that the seat of any elected member shall be vacated upon a date appointed in the notification;

and, in such last-mentioned case the said seat shall be vacated accordingly notwithstanding anything to the contrary in this Act or in the rules thereunder.

8. The Local Government may at any time by notification direct that a seat on any committee then filled by appointment shall thenceforth when vacant be filled by election;

and it may also direct that the seat of any appointed member shall be vacated upon a date appointed in the notification;

and in such last-mentioned case the said seat shall be vacated accordingly notwithstanding anything to the contrary in this Act or in the rules thereunder.

9. The Local Government may at any time fix the number of members to compose a committee below the number of members

then composing the committee, and it may also by notification direct, so far as may be necessary to reduce the number of members to the number so fixed, that the seat of any specified member or members shall be vacated upon a date appointed in the notification;

and, if such direction be given, the said seat or seats shall be vacated accordingly notwithstanding anything to the contrary in this Act or in the rules thereunder.

10. (1) Any member of committee who may wish to resign may forward his written resignation, through the president of the committee, to the Deputy Commissioner within whose jurisdiction the municipality lies.

(2) When the acceptance of the resignation by the Local Government has been communicated

to the committee, the member shall be deemed to have vacated his seat.

II. (1) The Local Government may by notification remove any member of committee—

- (a) if he refuses to act, or becomes, in the opinion of the Local Government, incapable of acting, or has been declared a bankrupt or an insolvent or convicted of any such offence, or subjected by a Criminal Court to any such order as implies, in the opinion of the Local Government, a defect of character which unfit him to be a member;
- (b) if he has been declared by notification to be disqualified for employment in, or has been dismissed from, the public service;
- (c) if he has absented himself for more than three consecutive months from the meetings of the committee;
- (d) if his continuance in office is, in the opinion of the Local Government, dangerous to the public peace or order; or
- (e) in the case of a salaried officer of the Government, if his continuance in office is, in the opinion of the Local Government, unnecessary or undesirable.

(2) A person removed under this section shall be disqualified for election unless and until the Local Government shall otherwise direct.

12. (1) Whenever a vacancy occurs by the filling of casual death, resignation or removal of any elected member, a new member shall be elected in accordance with the rules made under this Act to fill the place :

Provided that the Local Government may direct in any such case that the vacancy shall be left unfilled.

(2) Upon the death, resignation or removal of any appointed member, the Local Government may, if it shall think fit, appoint a new member to fill the place.

(3) Every person elected or appointed to fill a casual vacancy shall hold his seat for the time for and subject to the conditions upon which it was tenable by the person in whose place he has been so elected or appointed, and no longer; but he may, if otherwise qualified, be re-elected or re-appointed.

13. Every committee shall be a body corporate by the name of the municipal committee of its municipality; and shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to the provisions of this Act, to transfer any property held by it, to contract and to do all other things necessary for the purposes of its constitution; and may sue and be sued in its corporate name.

14. Every member of committee shall be deemed to be a municipal commissioner within the meaning of any enactment for the time being in force.

The Punjab Municipal Act, 1891.

(Chapter II.—Committees.—Sections 15-23.)

President and Vice-President.

15. (1) Every committee shall, from time to time, elect one of its members to be president, and the vice-president. member so elected shall, if approved by the Local Government in the case of a first class committee, or by the Commissioner in the case of a second class committee, become president of the committee:

Provided that the committee, instead of electing a president and submitting his name for approval to the Local Government or the Commissioner, may apply to the Local Government or the Commissioner, as the case may be, to appoint a president from among its members, and that the Local Government may, by notification, exclude any committee from the operation of this sub-section; and that in either of these cases, or if no election has been made within one month from the occurrence of a vacancy in the office of president, or if the person elected be not approved, the Local Government or the Commissioner, as the case may be, may, if it or he shall think fit, appoint one of the members of the committee to be president.

(2) Every committee may also, from time to time, elect one or two of its members to be vice-president or vice-presidents, and when two vice-presidents are elected on the same date shall declare which of them shall be deemed to be the senior.

(3) Every member elected or appointed under this section to be president or vice-president may be elected or appointed by office if he was appointed a member of the committee in the same way.

(4) If any president is elected or appointed by office, or if any vice-president is elected by office, then the person who for the time being holds the office shall be president or vice-president of the committee, as the case may be, during the term fixed under section 16, sub-section (1), for retention of office by a president or vice-president.

16. (1) Every president shall hold office for such term, not exceeding three years, as the Local Government may by rule fix, and every vice-president shall hold office for such term as the committee may by bye-law fix.

(2) Whenever a president or vice-president vacates his seat or tenders in writing to the committee his resignation of his office, he shall vacate his office; and any president or vice-president may be removed from office by the Local Government in pursuance of a resolution to that effect passed by two-thirds of the members present at a special meeting.

(3) Every resignation of office tendered under this section shall be reported, as soon as may be, to the Deputy Commissioner.

17. (1) Upon the occurrence of any vacancy in the office of president or vice-president, a new president or vice-president shall be elected or appointed in manner provided by section 15.

(2) The person so elected or appointed to fill a casual vacancy shall hold office for the time for which it was tenable by the person in

whose place he has been elected or appointed, and no longer, but he may, if otherwise qualified, be re-elected or re-appointed.

Notification of Elections and Appointments.

18. Every election and appointment of a member or president of a committee shall be notified in the case of a municipality of the first class by the Local Government and in the case of a municipality of the second class by the Commissioner of the Division, and no such election or appointment shall take effect until it has been so notified.

Conduct of Business.

19. (1) Every committee shall meet for the transaction of business at Time for holding least once in every month meetings. at such time as may, from time to time, be fixed by the bye-laws.

(2) The president or, in his absence, a vice-president may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth of the members of committee, convene either an ordinary or a special meeting at any other time.

20. (1) Every meeting of Ordinary and special committee shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless required by this Act or the rules to be transacted at a special meeting.

21. (1) The quorum necessary for the transaction of business at a special Quorum. meeting of committee shall be one-half of the committee, but shall not be less than three.

(2) The quorum necessary for the transaction of business at an ordinary meeting of committee shall be such number or proportion of the members of committee as may, from time to time, be fixed by the bye-laws, but shall not be less than three:

Provided that, if at any ordinary or special meeting of committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he may think fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting, whether there be a quorum present thereat or not.

22. At every meeting of committee the Chairman of meet. president, if present, or, in his absence or during the vacancy of his office, the senior vice-president present, and, if there be no president or vice-president present, then such one of their number as the members present may elect, shall preside as chairman.

23. Except as otherwise provided by this Act Vote of majority or the rules, all questions decisive. which come before any meeting of committee shall be decided by a majority of the votes of the members present, the chairman of the meeting in case of an equality of votes having a second or casting vote.

The Punjab Municipal Act, 1891.

(Chapter II.—Committees.—Sections 24-32.)

24. (1) Minutes of the proceedings at each meeting of committee shall be drawn up and recorded in a book to be kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, shall be published in such manner as the Local Government may direct, and shall, at all reasonable times and without charge, be open to inspection by any inhabitant.

(2) A copy of every resolution passed at any meeting of committee shall, within three days from the date of the meeting, be forwarded to the Deputy Commissioner.

25. (1) Every committee may, from time to time, make bye-laws consistent with this Act and with the rules as to—

- (a) the time and place of its meetings;
- (b) the manner in which notice of ordinary and special meetings and adjourned meetings shall be given;
- (c) the quorum necessary for the transaction of business at ordinary meetings;
- (d) the conduct of proceedings at meetings and the adjournment of meetings;
- (e) the custody of the common seal and the purposes for which it shall be used;
- (f) the person or persons to be primarily responsible for the current executive administration and his or their powers; that is to say, what portion of the executive authority shall be exercised by the president, by a vice-president, by sub-committees, by individual members and by officers or servants of the committee;
- (g) the persons by whom receipts shall be granted on behalf of the committee for money received under this Act;
- (h) the appointment, duties, leave, suspension and removal of its officers and servants;
- (i) the term for which a vice-president shall hold office; and
- (j) all other similar matters.

(2) No bye-law made under clause (c) or clause (f) of sub-section (1) shall take effect until it has been approved by the Local Government.

(3) Every bye-law made under this section shall be published in such manner as the Local Government may direct.

26. In cases of emergency, the president or, in his absence or during the vacancy of his office, a president in case of vice-president may direct the execution of any work or the doing of any act which the committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the municipal fund:

Provided that—

- (a) he shall not act under this section in contravention of any order of the committee; and
- (b) every direction given under this section shall be reported to the next following meeting of committee.

Joint Committees.

27. A committee may concur with any other joint committee, or with any district board, or with any cantonment authority, or with more than one such committee, board or authority, in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested, and in delegating to any such joint committee any power which might be exercised by either or any of the committees, boards or authorities concerned, and in framing or modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating thereto.

Defects in Constitution and Irregularities.

28. No act done or proceeding taken under Vacancies and irregularities not to invalidate this Act shall be questioned on the ground merely of the existence of any vacancy in any committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

Officers and Servants.

29. (1) Every committee shall, from time to time, at a special meeting, appoint one of its members, or, if the Commissioner consent to its appointing a person not a member, any other person, to be its secretary, and may, at a like meeting, remove any person so appointed.

(2) When a member of committee is appointed secretary, he shall receive no remuneration in respect of his services. When any other person is appointed secretary, the committee may, with the previous sanction of the Commissioner, assign to him such pay as it may think fit.

30. Subject to the provisions of this Act and the rules, a committee may employ, in addition to its secretary, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to such officers and servants such pay as it may think fit, and may remove or dismiss any officer or servant so appointed.

31. A Government official who has been continuously employed by a committee from the commencement of the Punjab Municipal Act, XIII of 1884, and who is in the employment of the committee at the commencement of this Act shall not be dismissed from that employment without the sanction of the Local Government.

32. If, in the opinion of the Commissioner, Power to prevent extravagance in establishing the number of persons employed by a committee as officers or servants, or whom the committee may propose to employ as such, or the remuneration assigned by the committee to those persons or any of them, is excessive, the committee shall, on the requirement of the Commissioner, reduce the number of those persons or the remuneration, as the case may be:

Provided that the committee may appeal against any such requirement to the Local Government, and the decision of the Local Government on any such appeal shall be final.

*The Punjab Municipal Act, 1891.**(Chapter II.—Committees.—Sections 33-40.)*

Pensions of Government officials serving committees.

33. In the case of an officer or servant being a Government official, a committee may,—

(1) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the Civil Service Regulations for the time being in force; and,

(2) if he devotes only a part of his time to the performance of duties in behalf of the committee, make such contribution on account of his pension or gratuity and leave-allowances as the Government may determine.

34. In the case of an officer or servant not being a Government official, a committee may—

(1) grant him leave-allowances and, if he is not entitled to pension or if his monthly pay is less than ten rupees, a gratuity; and

(2) if empowered in this behalf by the Local Government,—

(a) subscribe on his behalf for pension or gratuity under the Civil Service Regulations for the time being in force; or

(b) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which under the Civil Service Regulations for the time being in force the officer or servant would be entitled if the service had been service under the Government.

Contracts.

35. (1) The committee of any municipality of the first class may, subject to the provisions of this Act, delegate to one or

more of its members the power of entering on its behalf into any particular contract whereof the value or amount does not exceed five hundred rupees, or into any class of such contracts.

(2) No contract by or in behalf of any committee whereof the value or amount exceeds five hundred rupees shall be entered into until it has been sanctioned at a meeting of committee.

36. (1) Every contract made by or on behalf of the committee of any municipality of the first class of property, whereof the value or amount exceeds one hundred rupees, and every contract made by or on behalf of the committee of any municipality of the second class whereof the value or amount exceeds fifty rupees, shall be in writing, and must be signed by two members, of whom the president or a vice-president shall be one, and countersigned by the secretary:

Provided that, when the power of entering into any contract on behalf of the committee has been delegated under the last foregoing section, the signature or signatures of the member or members to whom the power has been delegated shall be sufficient.

(2) Every transfer of immoveable property belonging to any committee must be made by an instrument in writing, executed by the president or vice-president, and by at least two other

members of committee, whose execution thereof shall be attested by the secretary.

(3) No contract or transfer of the description mentioned in this section executed otherwise than in conformity with the provisions of this section shall be binding on the committee.

37. (1) If any member, officer or servant of a committee or of a joint committee is, without the permission in writing of the Commissioner, directly or indirectly interested in any contract made with that committee, he shall be deemed to have committed an offence under the Indian Penal Code, section 168.

XLV of 1860.

(2) No member, officer or servant of a committee or of a joint committee shall by reason only of his being a shareholder in, or a member of, any incorporated or registered company, be held to be interested in any contract entered into between the said company and the committee or joint committee; but no such person as aforesaid shall take part in any proceedings of the committee or joint committee relating to any such contract.

Privileges and Liabilities.

38. No suit shall be instituted against a committee, or against any officer or servant of a committee in respect of any act purporting to be done in its or his official capacity, until the expiration of one month next after notice in writing has been, in the case of a committee delivered or left at its office, and in the case of an officer or servant delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such notice has been so delivered or left:

Provided that nothing in this section shall apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

I of 1877.

39. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a committee if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee; and a suit for compensation for the same may be instituted against him by the committee with the sanction of the Commissioner, or by the Secretary of State for India in Council, in such Court as the Local Government may direct.

Acquisition of Land.

40. Where any land, whether within or without the limits of a municipality, is required for the purposes of this Act, the Local Government may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the committee of the compensation awarded under that Act, and of any other charges incurred in acquiring the land, the land shall vest in the committee.

X of 1870.

The Punjab Municipal Act, 1891.

(Chapter II.—Committees.—Section 41. Chapter III.—Taxation.—Sections 42-44.)

Delegation of Powers.

41. (1) The powers and functions of the Local Government under section 5, sub-section (3), section 10, section 12, and section 25, sub-section (2), may be delegated by the Local Government to the Commissioner of the Division.

(2) In regard to powers or functions delegated to him under this section, every Commissioner shall have the same authority as is given by this Act to the Local Government, and the delegation shall continue until revoked by the Local Government.

(3) A delegation under this section may be of all or any of the powers and functions aforesaid, and may be made generally in regard to either all the municipalities, or all the municipalities of a particular class, within the division of the Commissioner, or it may be made particularly in regard to certain municipalities only.

(4) The delegation may be by name or by office.

CHAPTER III.**TAXATION.***General Provisions.*

42. (1) Subject to any general or special orders which the Governor General in Council may make in this behalf and to the rules, any committee may, from time to time, for the purposes of this Act, and in the manner directed by this Act, impose in the whole or any part of the municipality any of the following taxes and tolls, namely:—

(A) with the previous sanction of the Local Government,—

(a) a tax on buildings and lands—

(i) not exceeding in any municipality specified in the schedule 10 per cent., and elsewhere 7½ per cent., on the annual value; or

(ii) not exceeding in any municipality specified in the schedule one anna four pies, and elsewhere one anna, per square yard of the ground area; or

(iii) not exceeding in any municipality specified in the schedule four rupees, and elsewhere three rupees, per running foot of frontage in streets or bazars;

(b) a tax on persons practising any profession or art or carrying on any trade or calling in the municipality;

(c) a tax on all or any vehicles, boats, animals used for riding, driving, draught or burden, and dogs, when the vehicles, boats, animals used as aforesaid, and dogs, are kept within the municipality;

(d) a toll on vehicles and animals used as aforesaid entering the municipality and not liable to taxation under the preceding clause;

(e) a tax on menial and domestic servants;

(f) an octroi on animals or goods or both brought within the octroi-limits for consumption or use therein; and,

(B) with the previous sanction of the Local Government and of the Governor General in Council, any other tax:

Provided that any person may compound for exemption from all tolls leviable in respect of any animal or vehicle under clause (d) of this sub-section by paying the tax which would have been leviable in respect thereof under clause (e) if the same had been kept within the municipality.

(2) In this section "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and, in the case of houses, may be expected to let unfurnished:

Provided that in the case of land assessed to land-revenue, or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, the annual value shall, if the Local Government so direct, be deemed to be double the aggregate of the following amounts, namely:—

(a) the amount of the land-revenue for the time being assessed on the land, whether such assessment is leviable or not; or, when the land-revenue has been wholly or in part compounded for or redeemed, the amount which, but for such composition or redemption, would have been leviable; and

(b) when the improvement of the land due to canal-irrigation has been excluded from account in assessing the land-revenue, the amount of the owner's rate or water-advantage rate or other rate imposed in respect of such improvement.

43. When a committee has, in exercise of the powers conferred by this House-scavenging-Act, undertaken the house-scavenging of any house or building, it may charge the occupier of such house or building, in respect of the house-scavenging done for him, with a tax, imposed in manner directed by this Act, at such rate as it may think fit.

44. (1) Besides the taxes mentioned in the foregoing sections, a committee, with the previous

sanction of the Local Government, may, for the purpose of constructing or maintaining works for the supply of water to the municipality or paying the principal or interest of any loan raised for the construction of such works, impose, in manner directed by this Act, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

(2) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level; but in fixing it regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water supplied from the works under special contracts, should not exceed the amount required for the said purposes.

*The Punjab Municipal Act, 1891.**(Chapter III.—Taxation.—Sections 45-52.)*

45. (1) A committee may, at a special meeting, pass a resolution to propose the imposition of any tax under section 42, section 43 or section 44.

(2) When such a resolution has been passed, the committee shall publish a notice defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the said notice, submit his objection in writing to the committee; and the committee shall, at a special meeting, take his objection into consideration.

(4) If no such objection is received within the said period of thirty days, or if all such objections, having been considered as aforesaid, are deemed insufficient, the committee may forward its proposal to the Local Government, with the objections (if any) which have been submitted as aforesaid, and its decision thereupon.

(5) The Local Government, on receiving such proposal, may sanction or refuse to sanction the same, or return it to the committee for further consideration.

(6) When any such proposal which requires the further sanction of the Governor General in Council has been sanctioned by the Local Government, it shall submit the same to the Governor General in Council, with the objections (if any) received through the committee; and the Governor General in Council may sanction the proposal, or refuse to sanction it, or return it to the Local Government for further consideration.

(7) When any proposal of a committee has been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with such proposal.

(8) In giving such direction the committee shall fix a date on which the tax shall come into force:

Provided that—

(a) no tax shall come into force until its imposition has been notified;

(b) no tax shall come into force in less than three months from the date of the meeting at which its imposition is directed;

(c) a tax leviable by the year shall come into force on the first day of January or on the first day of April or on the first day of July or on the first day of October in any year; and, if it comes into force on any day other than the first day of January, shall be leviable by the quarter till the first day of January then next ensuing.

(g) A notification of the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act.

46. A committee may, by a resolution passed at a special meeting and confirmed by the Local Government, abolish or re-

duce in amount any tax imposed under the foregoing sections.

47. (1) A committee may exempt, in whole or in part, for any period not exceeding one year, from the payment of any such tax

any person who by reason of poverty may in its opinion be unable to pay the same, and may renew such exemption as often as may be necessary.

(2) A committee may, by resolution passed at a special meeting and confirmed by the Local Government, and the Local Government may by order, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

48. (1) If at any time it appears to the Local Government, on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in

its incidence or that the levy thereof or of any part thereof is injurious to the interests of the general public, it may require the committee to take within a specified period measures to remove the objection; and, if within that period the requirement is not complied with to the satisfaction of the Local Government, the Local Government may by notification suspend the levy of the tax or of such part thereof until the objection has been removed.

(2) The Local Government may at any time by notification rescind any such suspension.

49. No assessment and no charge or demand

Taxes not invalid for of any tax made under the authority of this Act shall defect of form. be impeached or affected by reason of any mistake in the name, residence, place of business or occupation of any person liable to pay the tax, or in the description of any property or thing liable to the tax, or of any mistake in the amount of assessment or tax, or by reason of any clerical error or other defect of form; and it shall be enough in any such tax on property, or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

50. Any tax imposed under the foregoing sec-

Taxes when payable. tions and payable period- ically shall be payable on such dates and in such instalments (if any) as the committee, with the previous sanction of the Deputy Commissioner, may from time to time direct.

51. For all sums paid on account of any tax

under this Act a receipt, Receipts to be given. stating the amount and the tax on account of which it has been paid, shall be given by the person receiving the same on request by the person making the payment.

52. (1) An appeal against the assessment or

Appeals against tax- levy of any tax under this ation. Act shall lie to the Deputy Commissioner or to such other officer as may be empowered by the Local Government in this behalf:

Provided that, when the Deputy Commis-

sioner or such other officer as aforesaid is a

*The Punjab Municipal Act, 1891.**(Chapter III.—Taxation.—Sections 53-59.)*

member of the committee, the appeal shall lie to the Commissioner of the Division.

(2) If, on the hearing of an appeal under this section, any question as to the liability to, or the principle of assessment of, a tax arises, on which the officer hearing the appeal entertains reasonable doubt, he may, either of his own motion or on the application of any person interested, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement with his own opinion on the point for the decision of the Chief Court.

(3) On a reference being made under sub-section (2), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in Chapter XLVI of the Code of Civil Procedure.

XIV of 1882.

(4) In every appeal the costs shall be in the discretion of the officer deciding the appeal.

(5) Costs awarded under this section to the committee shall be recoverable by the committee as though they were arrears of a tax due from the appellant.

(6) If the committee fail to pay any costs awarded to an appellant within ten days after the date of the order for payment thereof, the officer awarding the costs may order the person having the custody of the balance of the municipal fund to pay the amount.

53. (1) No appeal shall lie in respect of a tax on any land or building Limitation of appeal. unless it is preferred within one month after the publication of the notice prescribed by section 59 (2) or section 61, or after the date of any final order under section 60, as the case may be, and no appeal shall lie in respect of any other tax unless it is preferred within one month from the time when the demand for the tax is made:

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period.

(2) No appeal shall be entertained unless the appellant has paid all municipal taxes due from him to the committee up to the date of such appeal.

54. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than is provided in this Act.

55. (1) The committee may, by written communication, call upon any inhabitant of the municipality to furnish such information as may be necessary in order to ascertain whether such inhabitant is liable to pay any municipal tax.

(2) If any inhabitant so called upon to furnish information omits to furnish it or furnishes information which is untrue, he shall be punishable with fine which may extend to one hundred rupees.

Taxes on Immoveable Property.

56. (1) The committee shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared, containing—

- (a) the name of the street or division in which the property is situated;
- (b) the designation of the property, either by name or by number, sufficient for identification;
- (c) the names of the owner and occupier, if known;
- (d) the annual value, area or length of frontage on which the property is assessed; and
- (e) the amount of the tax assessed thereon by the committee.

(2) For the purpose of preparing the list, the committee may require the owners or occupiers of the buildings or lands to furnish it with the returns of the measurements and of the rent or annual value.

57. When the assessment-list has been completed, the committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

58. (1) The committee shall at the time of the publication of such assessment-list give public notice of a time, not less than one month thereafter, when it will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

(2) All objections to the valuation and assessment shall be made in writing before the time fixed in the notice, or orally or in writing at that time.

59. (1) After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorized agent, as they may think fit, and the revision of the valuation and assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the year commencing on the first day of January next ensuing, as also in the case of a tax then imposed for the first time for the period between the commencement of the tax and such first day of January.

(2) The list when amended under this section shall be deposited in the committee's office and

*The Punjab Municipal Act, 1891.**(Chapter III.—Taxation.—Sections 60-66.)*

shall there be open during office-hours to all owners or occupiers of property comprised therein, or the agents of such persons, and a public notice that it is so open shall forthwith be published.

60. (1) The committee may at any time amend the list by inserting the name of any person of assessment-list whose name ought to have been inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, after giving notice, to any person interested in the amendment, of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent, as he may think fit.

61. It shall be in the discretion of the committee to prepare a new assessment-list every year, or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same notice of the valuation and assessment as if a new assessment-list had been prepared.

62. (1) When any property assessed to a tax which is payable by the year or by instalments, has remained unoccupied and unproductive of rent throughout the year or the period in respect of which any instalment is payable, the committee shall remit the amount of the tax or of the instalment, as the case may be:

Provided that no such remission shall be granted unless notice in writing of the circumstances under which it is claimed has been given to the committee within the first month of the period in respect of which it is so claimed.

(2) When any such property as aforesaid—

- (a) has not been occupied or productive of rent for any period of not less than sixty consecutive days, or
- (b) consists of separate tenements one or more of which has or have not been occupied or productive of rent for any such period as aforesaid, or
- (c) is wholly or in greater part demolished or destroyed by fire or otherwise,

the committee may remit such portion (if any) of the tax or instalment as it may think equitable.

(3) The burden of proving the facts entitling any person to claim relief under this section shall lie upon him.

(4) For the purposes of this section neither the presence of a care-taker nor the mere retention in an otherwise unoccupied dwelling-house of the furniture habitually used in it shall constitute occupation of the house.

(5) For the purposes of this section a house shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

63. (1) A tax payable under section 42, sub-section (1), division (A), payable by whom clause (a), shall be paid by the owner of the property in respect of which it is payable.

(2) A tax payable under section 44 shall be paid by the occupier of the property in respect of which it is payable.

64. (1) When any sum is due on account of a tax payable under this Act in respect of any property by the owner thereof, the committee shall cause a bill for the amount, stating the property and the period for which the charge is made, to be delivered to the person liable to pay the same.

(2) If the bill be not paid within ten days from the delivery thereof, the committee may cause a notice of demand to be served on that person; and, if he do not, within seven days from the service of the notice, pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment, the sum due, with the fee, shall be deemed to be an arrear of tax.

(3) The amount of every such arrear, besides being recoverable in any other manner provided by this Act, shall, subject to any claim on behalf of Her Majesty, be a first charge on the property in respect of which it is payable, and shall be recoverable, on application made in this behalf by the committee to the Collector, as if the property were an estate assessed to land-revenue and the arrear were an arrear of such revenue due thereon:

Provided that nothing in this sub-section shall authorize the arrest of a defaulter.

Octroi and Tolls.

65. Every person bringing or receiving within the octroi-limits of any municipality any article on which octroi is payable shall, when required by an officer authorized by the committee in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,—

- (a) permit that officer to inspect, examine, weigh and otherwise deal with the article; and
- (b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article.

66. If any person, bringing or receiving a conveyance or package within the octroi-limits of a municipality in which octroi is leviable, shall refuse, on the demand of an officer authorized by the committee in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be

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(*Chapter III.—Taxation.—Sections 67-70. Chapter IV.—Municipal Fund and Property.—Sections 71-72.*)

taken without unnecessary delay before any Magistrate or member of committee, who shall cause the inspection to be made in his presence.

67. Every officer demanding octroi by the authority of the committee shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated.

68. (1) In case of non-payment of any octroi or of any toll on demand, the officer empowered to collect the same may seize any article on which the octroi is chargeable, or any vehicle or animal on which the toll is chargeable, or any part of its burden of sufficient value to satisfy the demand.

(2) The committee may cause any property so seized, or so much thereof as may be necessary, to be sold by auction to satisfy the demand, with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid, after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale :

Provided that, by order of the president or a vice-president, articles of a perishable nature which could not be kept for five days without serious risk of damage may be sold after the lapse of such shorter time as he may, having regard to the nature of the articles, think proper.

69. The collection of any octroi or toll may be leased by the committee, with the previous sanction of the Commissioner, for any period not exceeding one year; and the lessee and all persons employed by him in the management and collection of the octroi or toll shall in respect thereof—

- (a) be bound by any orders made by the committee for their guidance;
- (b) have such powers exercisable by officers of a committee under this Act as the committee may, from time to time, confer upon them; and
- (c) be entitled to the same remedies and be subject to the same responsibilities as if they were employed by the committee for the management and collection of the octroi or toll.

70. If goods passing the octroi-boundary of a municipality are liable to the payment of octroi, then every person who, with the intention to defraud the committee or its lessee for the collection of octroi, causes or abets the introduction of, or himself introduces or attempts to introduce, within the said octroi-boundary any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend either to ten times the value of such octroi or to fifty rupees, whichever may be greater.

CHAPTER IV.
MUNICIPAL FUND AND PROPERTY.

71. There shall be formed for each municipality a municipal fund, and there shall be placed to the credit thereof—

- (a) all sums received by or on behalf of the committee under this Act or otherwise;
- (b) all fines realized in cases in which prosecutions for offences committed within the municipality are instituted under this Act or the rules or under section 34 of Act V of 1861 or under the Prevention of Cruelty to Animals Act, 1890; and
- (c) the balance (if any) standing at the credit of the municipal fund of the municipality at the commencement of this Act.

72. (1) The committee shall set apart and apply out of the municipal fund—

- (a) *first*, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;
- (b) *secondly*, such sum as may be required to meet the charges of its own establishment, including such subscriptions and contributions as are referred to in sections 33 and 34, and such sum as may be required for the maintenance of a police-establishment under Chapter V;
- (c) *thirdly*, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality and as ought, in the opinion of the Local Government, to be paid by the committee, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of any public expenditure by the Government of India or the Local Government as may be held by the Local Government to be equitably payable by the committee in return for services rendered to it.

(2) Subject to the charges specified in sub-section (1) and to such rules as the Local Government may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the municipality, and with the sanction of the Commissioner outside the municipality, namely:—

- (a) the construction, maintenance, improvement, cleansing and repair of public streets, bridges, embankments, drains, latrines, tanks and water-courses;
- (b) the watering and lighting of such streets or any of them;
- (c) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education or for the benefit of the public health, and of rest-houses, sarais, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;
- (d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper-asylums

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(*Chapter IV.—Municipal Fund and Property.—Sections 73-78. Chapter V.—Municipal Police.—Section 79.*)

and other educational or charitable institutions;
 (e) the training of teachers and the establishment of scholarships;
 (f) the giving of relief and the establishment and maintenance of relief-works in time of famine or scarcity;
 (g) the supply, storage and preservation from pollution of water for the use of men or animals;
 (h) the planting and preservation of trees;
 (i) the taking of a census, the registration of births, marriages and deaths, public vaccination and any sanitary measure;
 (j) the holding of fairs and industrial exhibitions; and
 (k) all acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants, or expenditure whereon may be declared by the committee, with the sanction of the Local Government, to be an appropriate charge on the municipal fund.

73. With the sanction of the Local Government a salary of such amount as the Local Government may fix may be paid to the president of a committee, not being a salaried officer of Government, out of the municipal fund.

74. (1) In places where there is a Government treasury or sub-treasury or a bank to which the Government treasury business has been made over, the municipal fund shall be kept in such treasury, sub-treasury or bank.

(2) In places where there is no such treasury, sub-treasury or bank, the municipal fund may be deposited with any banker, or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the Commissioner may in each case think sufficient.

75. (1) A committee may, from time to time, with the previous sanction of the Commissioner, invest any portion of its municipal fund in securities of the Government of India or such other securities as the Governor General in Council may approve in this behalf, and vary such investments for others of a like nature.

(2) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund.

76. Subject to any special reservation which may be made by the Local Government, all property of the nature hereinafter

in this section specified and situated within the municipality shall be vested in and belong to the committee, and shall, with all other property which may become vested in the committee, be under its direction, management and control, and shall be held and applied by it for the purposes of this Act, that is to say:—

(a) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots and public buildings of every description which have been constructed

or are maintained out of the municipal fund;
 (b) all public streams, springs and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;
 (c) all public sewers and drains, and all sewers, drains, culverts and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto;
 (d) all dust, dirt, dung, ashes, refuse, animal-matter or filth or rubbish of any kind, or dead bodies of animals, collected by the committee from the streets, houses, privies, sewers, cesspools or elsewhere, or deposited in places fixed by the committee under section 97;
 (e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;
 (f) all land or other property transferred to the committee by the Government or by gift, purchase or otherwise for local public purposes;
 (g) all streets, and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

77. (1) The management, control and administration of every public institution maintained out of the municipal fund shall vest in the committee:

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Local Government.

(2) When any public institution has been placed under the direction, management and control of the committee, all property, endowments and funds belonging thereto shall be held by the committee in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed.

78. The committee may, with the sanction of the Local Government, transfer to Her Majesty any property vesting in the committee under section 76 or section 77, but not so as to affect any trusts or public rights subject to which the property is held.

CHAPTER V.

MUNICIPAL POLICE.

79. (1) Every committee shall, unless relieved of this obligation by the Local Government, maintain a sufficient police-establishment for police requirements within municipal limits and for the performance of the duties imposed on it by this Act.

(2) The establishment maintained under sub-section (1) shall consist either of a body of

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(*Chapter V.—Municipal Police.—Sections 80-84. Chapter VI.—Powers for Sanitary and other Purposes.—Sections 85-87*)

watchmen or of part of the general police-force under the Local Government within the meaning of section 2 of Act V of 1861, or partly of one and partly of the other, as the Local Government may determine; and shall consist of such number of officers and men, who shall respectively receive such pay, leave-allowances, gratuities and pensions as the committee may from time to time, after consultation with the District Magistrate and the Inspector General of Police, and subject to the final decision of the Local Government, direct.

80. (1) The Local Government may relieve any committee of the whole or part of the cost of the police-establishment, and may enter into a contract with the committee, on such terms as may be agreed on, that, in consideration of such relief, the committee shall pay periodically a sum not exceeding the amount thereof, or undertake any services within the municipality to which the municipal fund can properly be applied, and which are estimated to cost not more than the amount of the relief.

(2) When a committee has been relieved under this section of the whole or part of the cost of the police-establishment which it is required to maintain, the Local Government shall maintain such police-establishment as it shall consider necessary, and the establishment so maintained may consist either of a body of watchmen or of a part of the general police-force under the Local Government within the meaning of section 2 of Act V of 1861, or partly of one and partly of the other.

81. (1) If the establishment maintained under this Chapter consist wholly of watchmen, they—

- (a) shall be under the orders of the District Superintendent of Police, subject to the general control of the District Magistrate;
- (b) shall be appointed and promoted, and shall be liable to dismissal, suspension, reduction or fine, under such rules as the Local Government may make in this behalf;
- (c) shall perform such duties as the Local Government may, subject to the provisions of this Act, direct; and
- (d) shall possess the same powers, be entitled to the same assistance, enjoy the same protection, be subject to the same responsibilities and be liable to the same penalties as if they were police-officers enrolled under Act V of 1861.

(2) Any person obstructing any such watchman in the discharge of his duties may be arrested without warrant by a police-officer or by any such watchman.

82. If the establishment maintained under this Chapter or any portion thereof consist of part of the general police-force, the Local Government may, notwithstanding anything contained in Act V of 1861 or in any other Act for the time being in force, define, subject to the provisions of this Act, the duties which the officers and men of the establishment or such portion thereof may or may not be required to perform.

83. (1) Every member of a police-establishment under this Act shall give immediate information to the committee of municipal authorities against this Act or the rules or bye-laws, and shall be bound to assist all members, officers and servants of the committee in the exercise of their lawful authority.

(2) Every member of such police-establishment may arrest any person committing in his view any offence against this Act or the rules or bye-laws—

- (a) if the name and address of the person are unknown to him, and
- (b) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address if given.

(3) A person arrested under this section may be detained until his name and address have been correctly ascertained:

Provided that no person so arrested shall be detained longer than may be necessary for bringing him before a Magistrate except under the order of a Magistrate for his detention.

84. When special police-protection is, in the opinion of the Local Government, requisite on the occasion of any fair, agricultural show or industrial exhibition managed by a committee, the Local Government may provide such protection, and the committee shall pay the whole charge thereof or such portion of such charge as the Local Government may consider equitably payable by it.

CHAPTER VI.**POWERS FOR SANITARY AND OTHER PURPOSES.***Streets and Buildings.*

85. When any land is required for a new street or for the improvement of an existing street, the committee may proceed

Power to acquire land for building-sites adjoining new streets. to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on both sides of the street.

86. The committee may close temporarily any street vested in it or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or close permanently any such street, and sell the land or such part thereof as may not be required for the purposes of this Act.

87. The committee may grant permission in writing for the temporary occupation of any street or land vested in it for the purpose of depositing any building-materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and

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may charge fees for such permission, and may at its discretion withdraw the permission.

88. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

89. (1) The committee may cause a name to be given to any street, and to be affixed on any building in such place as it may think fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

(2) Whoever shall destroy, pull down or deface any such name or number, or put up any different name or number from that put up by order of the committee, shall be punishable with fine which may extend to twenty rupees.

90. The committee may direct that, within certain limits, to be fixed by walls not to be made of it, the roofs and external inflammable materials. walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other highly inflammable materials without the permission of the committee in writing; and the committee may, by written notice, require any person who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit.

91. (1) Should any building or part of a building project beyond the regular line of a street, either existing or determined on for the future, or beyond the front of the building on either side thereof, the committee may, whenever such building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require such building or part, when being re-built, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the street and shall vest in the committee:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(2) The committee may, on such terms as it may think fit, allow any building to be set forward for the improvement of the line of the street.

92. (1) Every person who intends to erect or re-erect any building shall, if required to do so by any bye-law, give notice in writing in the manner hereinafter prescribed of his intention to the committee, and the committee may within six weeks after the receipt of such notice either refuse to sanction the said building, or may sanction the said building, either absolutely or subject to any written directions which the committee may deem fit to issue in respect of all or any of the matters following, namely:—

(a) free passage or way in front of the building;

- (b) space to be left about the building to secure free circulation of air and facilitate scavenging and for the prevention of fire;
- (c) ventilation, and the provision and position of drains, privies or cesspools;
- (d) level and width of foundation, level of lowest floor and stability of structure;
- (e) the line of frontage with neighbouring buildings, if the building abuts on a street;

and the person erecting or re-erecting any such building as aforesaid shall obey all such written directions:

Provided that the committee shall make full compensation to the owner for any damage which he may sustain in consequence of the prohibition of the re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(2) Any person giving notice to the committee under sub-section (1) shall, if required to do so by any bye-law, along with his notice forward a plan and specification of the building which he intends to erect or re-erect, together with a site-plan of the land of such character and with such details as the bye-law may require. No notice under sub-section (1) shall be valid until such plans and specification have been supplied.

(3) In any case to which sub-section (2) does not apply, the committee may within fifteen days from the receipt of any notice under sub-section (1) require a person who has given such notice to submit within one week of the receipt of the requisition a sufficient plan and specification of the building which he intends to erect or re-erect, together with a site-plan of the land, with such reasonable details as the committee may prescribe in its requisition; and in such case the notice shall not be valid until such plans and specification have been supplied.

(4) Should any such building be begun or erected without giving notice, or without submitting such plans and specification as aforesaid or in contravention of any legal order of the committee issued within six weeks of receipt of a valid notice under sub-section (1), the committee may, by notice to be delivered within a reasonable time, require the building to be altered or demolished, as it may deem necessary.

(5) Should the committee neglect or omit for six weeks after the receipt of a valid notice under sub-section (1) to make and deliver to the person who has given such notice any order in respect thereof, it shall be deemed to have sanctioned the proposed building absolutely.

(6) Every sanction for the erection or re-erection of any building which shall be given or deemed to have been given by a committee shall be available for one year from the date on which the notice shall have become valid and complete, and no longer, and should the building so sanctioned not have been begun by the person who has obtained such sanction or some one lawfully claiming under him within such year, it shall not be begun without fresh sanction; but such person as aforesaid may at any subsequent time give fresh notice to the committee in the manner hereinbefore prescribed,

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and thereupon the provisions hereinbefore contained shall apply to such notice.

93. (1) The committee may by bye-laws regulate in respect of the erection or re-erection of any building within the municipality as to mode of construction of buildings.

- (a) the materials and method of construction to be used for external and party walls, roofs, floors, fire-places and chimneys;
- (b) the position of fire-places, chimneys, drains, privies and cesspools;
- (c) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;
- (d) the number and height of the storeys of which the building may consist; and
- (e) the means to be provided for egress from the building in case of fire:

Provided that the committee may by resolution dispense with the observance of any or all of the bye-laws made under this section in regard to the erection or re-erection of any building specified in the resolution.

(2) If in and during the erection or re-erection of any building any bye-law under this section is contravened, the committee may by notice, to be delivered within a reasonable time, require the building to be altered or demolished within the space of thirty days, as it may deem necessary:

Provided that no such notice shall issue in respect of the contravention of any bye-law of which the observance has been dispensed with under the proviso to sub-section (1).

(3) This section shall not take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.

94. The expression "erect or re-erect or re-erect any building" includes—

- (a) any material alteration or enlargement of any building;
- (b) the conversion into a place for human habitation of any building not originally constructed for human habitation;
- (c) the conversion into more than one place for human habitation of a building originally constructed as one such place;
- (d) the conversion of two or more places of human habitation into a greater number of such places;
- (e) such alterations of the internal arrangements of a building as effect an alteration of its drainage or sanitary arrangements, or affect its security; and
- (f) the addition of any rooms, buildings, out-houses or other structures to any building.

95. (1) It shall not be lawful, without the written permission of the committee, for the owner or occupier of any building

Removal of projections and obstructions. to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on any street or into or on any drain, sewer or aqueduct therein.

(2) The committee may, by notice, require the owner or occupier of any building to remove or alter any such projection or encroachment as aforesaid:

Provided that, in the case of any projection or encroachment lawfully in existence at the commencement of this Act, the committee shall make reasonable compensation for any damage caused by the removal or alteration.

(3) The committee may by resolution give permission to the owners or occupiers of buildings in any particular street to put up open verandas, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the resolution.

Bathing and Washing Places.

96. The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may by public notice prohibit bathing, or washing animals or clothes, in any public place not so set apart, or at times or by persons other than those specified, and any other act by which water in public places may be rendered foul or unfit for use.

Deposit of Offensive Matter and Slaughter-places.

97. The committee may fix places within or without the approval of the District Magistrate, beyond the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

98. (1) The committee may, with the approval of the District Magistrate, fix premises either within or without the limits of the municipality for the slaughter of animals for sale, or of any specified description of such animals, and may with the like approval grant and withdraw licenses for the use of such premises, or, if they belong to the committee, charge rent or fees for the use of the same.

(2) When such premises have been fixed by the committee beyond municipal limits, it shall have the same power to make rules for the inspection and proper regulation of the same as if they were within those limits.

(3) When any such premises have been fixed, no person shall slaughter any such animal for sale within the municipality at any other place.

(4) Should any one slaughter for sale any such animal at any other place within the municipality, he shall be punishable with fine which may extend to twenty rupees.

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99. (1) The committee may by bye-law fix premises within the municipality in which the slaughter of animals of any particular kind not for sale shall be permitted, and prohibit, except in case of necessity, such slaughter elsewhere within the municipality:

Provided that no such bye-law shall apply to animals slaughtered for any religious purpose;

(2) This section shall not take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.

100. (1) Whenever any animal in the charge of any person dies otherwise than by slaughter either for sale or for some religious purpose, the person in charge thereof shall within twenty-four hours either—

(a) convey the carcase to a place (if any) fixed by the committee under section 97 for the disposal of the dead bodies of animals, or

(b) give notice of the death to the committee, whereupon the committee shall cause the carcase to be disposed of.

(2) Every person bound to act in accordance with sub-section (1) shall, if he fail so to act, be punishable with fine which may extend to ten rupees.

(3) In respect of the disposal of the dead body of an animal under clause (b) of sub-section (1) the committee may charge such fee as the committee, with the sanction of the Commissioner, may by bye-law have prescribed.

(4) For the purposes of this section the word "animal" shall be deemed to mean all horned cattle, elephants, camels, horses, ponies, asses, mules, deer, sheep, goats, swine and other large animals.

Burial and Burning Places.

101. (1) The committee may, by public notice, order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood to be closed from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(2) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owners thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed, after the commencement of this Act, without the permission in writing of the committee.

(4) Should any person bury or burn, or cause or permit to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to fifty rupees.

102. The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

Inflammable Materials.

103. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting wood, dry grass, straw or other inflammable materials, or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

104. In any municipality to which section 93 has been specially extended by the Local Government, the committee may by bye-law prohibit the lighting of fires in the top storey of any building which by reason of its contiguity to other buildings might be a source of danger to the latter in the event of a fire breaking out within it, and the walls of which storey do not exceed seven feet in height, or the placing of stands for lamps and candles in any position which the committee may deem to be dangerous to the public safety.

105. The committee may by bye-law prohibit the storage of more than a fixed maximum quantity of any explosive, petroleum, spirit, naphtha or other inflammable material in any building not registered or licensed under section 135.

Powers of Entry and Inspection.

106. (1) The committee, by any person authorized by it in this behalf, may, between sunrise and sunset, enter into any building or upon any land, and inspect any drains, privies or cesspools therein or thereon, and may cause the ground to be opened where such person as aforesaid may think fit for the purpose of preventing or removing any nuisance arising from the drains, privies or cesspools.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it be found that no nuisance exists or, but for such opening, would have arisen, the ground or portion of any building, drain or other work, if any, opened, injured or removed for the purpose of such inspection shall be filled in, reinstated and made good by the committee.

(3) No building other than a latrine shall be entered under this section until six hours' notice in writing has been given to the occupier of the building by the committee or by the person authorised by the committee to make the entry.

107. (1) The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there be no occupier, to the owner, of any building, at any time between sunrise and sunset enter and inspect the building, and

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may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

(2) If the building to be inspected is a stable for horses or a house or shed for cows or other cattle, previous notice shall not be requisite before inspection.

108. The committee, by any person authorised by it in this behalf, after giving twenty-four hours' notice to the occupier, or, if there be no occupier, to the owner, of any building or land, may at any time between sunrise and sunset—

- (a) enter on and survey and take levels of any land;
- (b) enter, inspect and measure any building for the purpose of valuation;
- (c) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains or of executing or repairing any work which it is by this Act empowered to execute or maintain.

109. The committee, by any person authorised by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-

house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Act for which a license has not been duly taken out.

110. The committee, by any person authorised by it in this behalf, may at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for man, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, animal or drug which may be therein; and, if any article of food or drink or any animal therein appears to be intended for the consumption of man and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption;

and, in case it is reasonably suspected that any drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause the owner thereof to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for orders as to the disposal of the said drug.

House-scavenging.

111. The removal of filth, rubbish, ordure or other offensive matter from a privy, cesspool or other common receptacle for such matter in or pertaining to a house or building is called house-scavenging.

112. (1) Subject to the provisions hereinafter contained with respect to the customary rights of sweepers, the committee

may at any time undertake the house-scavenging of any house or building on the application or with the consent of the occupier.

(2) The committee may, by public notice, undertake the house-scavenging of any houses or buildings in the municipality from any date not less than two months after issue of the notice.

(3) The occupier of any house or building affected by the notice may at any time after the issue thereof apply to the committee to exclude that house or building from the notice.

(4) The committee shall consider and pass orders upon every such application within six weeks of the receipt thereof, and may by any such order exclude such house or building from the notice.

(5) In deciding whether to exclude any house or building from the notice, the committee shall consider, among other matters, the efficiency of the arrangements for house-scavenging made by the occupier (if any) and the purpose to which he applies the matter dealt with in house-scavenging.

113. Notwithstanding anything in the last Savings in favour of foregoing section, the com-
customary sweepers mittee shall not, except in
and of agriculturists. accordance with the provi-
sions of this Chapter,—

- (a) undertake the house-scavenging of any house or building in respect whereof any sweeper has a customary right to do such house-scavenging;
- (b) without the consent of the occupier, undertake the house-scavenging of any house or building occupied by an agriculturist who himself cultivates land within municipal limits or in a village conterminous therewith.

114. When once the committee has undertaken the house-scavenging of any house or building under this Chapter, it may continue to perform such house-scavenging with or without the consent of the occupier for the time being of such house or building.

115. When the committee has undertaken the house-scavenging of any house or building, it shall be bound to perform properly the same properly until it shall have relieved itself of the obligation by an order under section 112, sub-section (4).

116. The servants of the committee employed in house-scavenging may at all reasonable times do all things necessary for the proper performance of any house-scavenging undertaken by the committee.

117. All matter removed by the servants of the committee in the course of house-scavenging shall belong to the committee.

118. (1) Should a sweeper who has a customary right to do the house-scavenging of a house or building (hereinafter called the customary sweeper) fail to perform such

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house-scavenging in a proper way and at reasonable intervals, the occupier of the house or building or the committee may complain to a Magistrate.

(2) The Magistrate receiving such complaint shall hold an enquiry, and, should it appear to him that the customary sweeper has failed to perform the house-scavenging of the house or building in a proper way or at reasonable intervals, he may impose upon such sweeper a fine which may extend to ten rupees, and, upon a second or any later conviction in regard to the same house or building, may also direct the right of the customary sweeper to do the house-scavenging of the house or building to be forfeited, and thereupon such right shall be forfeited accordingly.

119. (1) Should an agriculturist who himself cultivates land within municipal limits or in a village conterminous therewith fail to provide for the proper house-scavenging of any house or building occupied by him, the committee may complain to a Magistrate.

(2) The Magistrate receiving the complaint shall hold an enquiry, and, should it appear to him that the agriculturist has not provided for the proper house-scavenging of the house or building, he may pass an order empowering the committee to undertake the same, and thereupon the committee shall be entitled to undertake such house-scavenging.

Search for inflammable or explosive material in excess of authorized quantity.

120. (1) The committee may at any reasonable time, by any person authorised by it in writing in this behalf, enter upon authorised quantity and inspect any house or building which is suspected to contain petroleum, explosive or other inflammable material in excess of the quantity permitted to be kept in such house or building under the provisions of this Act or of any rule, bye-law or public notice made or published thereunder.

(2) Should any such excess quantity of such material be discovered, it may be seized and held subject to such order as a Magistrate may pass with respect to it.

(3) If the Magistrate decide that the material seized was stored in the house or building contrary to the provisions of this Act or of any rule, bye-law or public notice made or published thereunder, he shall pass an order confiscating the same.

(4) Subject to any general rules for the time being applicable thereto, the material so confiscated may be sold by order of the Magistrate, and the proceeds, after defraying the expenses of such sale, shall be credited to the municipal fund.

(5) No order of confiscation under this section shall operate to prevent any other criminal or civil proceedings to which the person storing the material in excessive quantity may be liable.

Water-pipes, Privies and Drains.

121. The committee may, by notice, require the owner of any building or land in any street to put

up and keep in good condition proper troughs and pipes for receiving and carrying the water from the building or land and for discharging the same so as not to inconvenience persons passing along the street.

122. (1) The committee may, by notice, require the owner of any provision of drains, building or land to remove privies, &c. or provide any drain, privy, cesspool or other receptacle for filth, or provide any additional drains, privies, cesspools or other receptacles as aforesaid which should in its opinion be provided for the building or land, in such manner as the committee may direct, or to make to the reasonable satisfaction of the committee and maintain in good order a drainage connection with any public sewer or drain not situated more than one hundred feet from such building or land as aforesaid:

Provided that the said owner shall not be liable for any default in making or maintaining such drainage connection if the land through which the said drainage connection is required to pass does not belong to him, and he can prove that the default is caused by the act of the owner or occupier of such last-mentioned land.

(2) The committee may, by notice, require any person employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(3) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee may direct, any door or trapdoor of a privy opening on to any street or drain.

123. (1) The committee may, by notice, require the owner or occupier of any building or land to repair, alter or put in good order any drain, privy or cesspool, or to close any drain, privy or cesspool belonging thereto.

(2) The committee may, by notice, require any person who may construct any new drain, privy or cesspool without its permission in writing or contrary to its directions or regulations or to the provisions of this Act, or who may construct, rebuild or open any drain, privy or cesspool which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy or cesspool, or to make such alteration therein as it may think fit.

124. The committee may, by notice, require any person who without its permission in writing may newly erect or rebuild any building over any sewer, drain, culvert, water-course or water-pipe vested in the committee to pull down or otherwise deal with the same as it may think fit.

125. The committee may, by notice, require any owner or occupier on removal of latrines, &c., near any source of water-supply, whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty

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feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week from the service of such notice.

126. The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private well, tank, reservoir, pool, depression or excavation therein which may appear to the committee to be injurious to health or offensive to the neighbourhood :

Provided that, if for the purpose of effecting any drainage under this section it should be necessary to acquire any land not belonging to the same owner or to pay compensation to any person, the committee shall provide such land or pay such compensation.

Dangerous Buildings and Places.

127. Should any building, or any well, tank, reservoir, pool, depression buildings, wells, tanks, or excavation be, for want &c., to be secured. of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice, require the owner or occupier thereof to repair, protect or enclose the same ; and, should it appear to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps to avert the danger as may be necessary.

128. Should any building, wall or structure or anything affixed thereto, or Building, &c., in any bank or tree, be deemed by the committee to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall, structure or bank as the committee may consider necessary for the public safety ; and, should it appear to it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps to avert the danger as may be necessary.

Buildings and Grounds in Unsanitary Condition.

129. The committee may, by notice, require the owner or occupier of any land to clear away and noxious vegetation. to remove any thick vegetation or undergrowth which may appear to the committee to be injurious to health or offensive to the neighbourhood.

130. The committee may, by notice, require the owner or occupier of any hedges and trees to be trimmed. land to cut or trim within three days the hedges growing thereon and bordering on any street, or any branches of trees growing thereon which overhang any street and obstruct the same or cause danger thereto, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

131. Should the owner or occupier of any building or land suffer the same to be in a filthy or unwholesome state, the com-

mittee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

132. Should any building, or any part of any building, appear to the committee to be unfit for human habitation of buildings unfit for such use. proper means of drainage or ventilation or other sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation, or suffering it to be so used, until it has been rendered fit for such use to the reasonable satisfaction of the committee.

133. The committee may, by notice, require the owner or part-owner, or person claiming to be the owner or part-owner, of any building or land which, by reason of abandonment or disputed ownership or other cause, has remained untenanted and become a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

134. (1) The Local Government may, on the Cultivation, use of report of the Sanitary manure or irrigation. Commissioner or of the injurious to health, after Civil Surgeon that the prohibition. cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of any municipality is injurious to the health of persons dwelling in the neighbourhood, by notification prohibit the cultivation of such crop, the use of such manure or the use of the method of irrigation so reported to be injurious, or impose such conditions with respect thereto as may prevent the injury :

Provided that, when on any land to which such notification applies the act prohibited has been practised during the five years next preceding the notification in the ordinary course of husbandry, compensation shall be paid from the municipal fund to all persons interested therein for any damage caused to them by the effect of such notification.

(2) Should any person disobey any notification issued under sub-section (1), he shall be punishable with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Offensive and Dangerous Trades.

135. (1) The owner or occupier of every place within the municipality used for any of the following purposes, namely :—

melting tallow ;
boiling bones, offal or blood ;
as a soap-house, oil-boiling house, dyeing-house or tannery ;
as a brickkiln, pottery or limekiln ;
as any other manufactory or place of business from which offensive or unwholesome smells arise ;

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as a yard or dépôt for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material;

as a store-house for any explosive, or for petroleum or any inflammable oil or spirit, shall register the same in a book to be kept by the committee for the purpose.

(2) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(3) The license shall not be withheld unless the committee consider that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(4) The committee may charge fees according to a scale to be approved by the Commissioner for such licenses, and may impose such conditions in respect thereof as it may think necessary.

(5) Whoever, without such registration and without a license, uses any such place for any such purpose as aforesaid shall be punishable with fine which may extend to fifty rupees, and with a further fine not exceeding ten rupees for every day during which the offence is continued after he has been convicted of such offence.

(6) The owner or occupier of any place registered under sub-section (1) may apply to have that place licensed under this section. When any such place has been licensed, the registration of that place shall thereby be cancelled, and shall not be renewed.

136. (1) Whenever it is shown to the satisfaction of the committee that Power to prohibit any place registered or licensed under the last preceding section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, the committee may, by notice, require the occupier thereof to discontinue the use of such place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

(2) Whoever, after any such notice has been given, uses such place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punishable with fine which may extend to two hundred rupees, and with a further fine not exceeding forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Regulation of manufacture, preparation and sale of food and drink.

Power for committee to regulate manufacture, preparation and sale of food and drink. **137. (1)** The committee may by bye-law—

- (a) prohibit the manufacture or preparation for sale of any specified articles of food or drink in any premises not licensed by the committee;
- (b) regulate the grant and withdrawal of licenses to premises for the manufacture or preparation for sale of such specified articles of food or drink;
- (c) regulate the hours and manner of transport within the municipality of any specified articles of food or drink;
- (d) fix the places in which any specified article of food or drink may be sold or

exposed for sale or the places in which it may not be sold or exposed for sale;

Provided that no person shall be punishable for breach of any bye-law made under clause (a) or clause (d) of this sub-section by reason of the continuance of such manufacture, preparation or exposure for sale, or sale upon any premises which are at the time of the making of such bye-law used for such purpose until he has received from the committee six months' notice in writing to discontinue such manufacture, preparation or exposure for sale, or such sale, in such premises.

(2) This section shall not take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.

Dangerous Animals.

138. (1) A committee, by any person authorized by it in this behalf, Destruction of, mad dogs may destroy or cause to be destroyed, or confine or cause to be confined for such period as the committee may direct, any dog suffering from rabies or reasonably suspected to be suffering from rabies.

(2) No damages shall be payable in respect of any dog destroyed under this section.

Restraint of Infection.

Information to be given of cholera or small-pox. **139. Whoever—**

- (a) being a medical practitioner or a person openly and constantly practising the medical profession, and in the course of such practice becoming cognizant of the existence of cholera or small-pox in any dwelling other than a public hospital, or, in default of such medical practitioner or person practising the medical profession,
- (b) being the owner or occupier of such dwelling, and being cognizant of the existence of cholera or small-pox therein, or, in default of such owner or occupier,
- (c) being the person in charge of or in attendance on any person suffering from cholera or small-pox in such dwelling, and being cognizant of the existence of the disease therein,

fails to give information or gives false information to the committee, respecting the existence of such disease, shall be punishable with fine which may extend to fifty rupees:

Provided that a person not required to give information in the first instance, but only in default of some other person, shall not be punishable if it be shown that he had reasonable cause to suppose that the information had been or would be duly given.

Removal to hospital of cholera and small-pox patients. **140. When any person suffering from cholera or small-pox is—**

- (a) without proper lodging or accommodation, or
- (b) living in a sarai or other public hostel, or
- (c) living in a room or house which he neither owns nor pays rent for, or

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(d) lodged in premises occupied by members of two or more families, and any of such occupiers objects to his continuing to lodge in such premises,

the committee, by any person authorised by it in this behalf, may, on the advice of any medical officer of rank not inferior to that of an Assistant Surgeon, remove the patient to any hospital or place at which persons suffering from such disease are received for medical treatment, and may do anything necessary for such removal.

141. Should the committee consider that the Prohibition by committee of use of unwholesome water. water in any well, tank or other place is likely, if used for drinking, to endanger or cause the spread of any dangerous disease, it may by public notice prohibit the removal or use of such water for drinking.

142. Neither of the last two foregoing sections shall take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.

Power to make Bye-laws.

Power to make bye-laws. **143.** (1) Any committee may by bye-law—

(a) render licenses necessary for the proprietors or drivers of vehicles, boats or animals kept or plying for hire within the limits of the municipality, and fix the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;

(b) limit the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons when hired within the municipality for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours;

(c) provide for the proper registration of births, marriages and deaths and for the taking of a census;

(d) fix, and from time to time vary, the number of persons who may occupy a building or part of a building which is let in lodgings or occupied by members of more than one family; and provide—

(i) for the registration and inspection of such buildings;

(ii) for promoting cleanliness and ventilation in such buildings;

(iii) for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings; and

(iv) generally for the proper regulation of such buildings;

(e) provide—

(i) for the inspection and proper regulation of encamping-grounds, pounds, sarais, markets, dhobis' ghâts, flour-mills and slaughter-houses;

(ii) for the holding of fairs and industrial exhibitions within the municipality or under the control of the committee, and for fixing fees to be levied thereat;

(iii) for controlling and regulating the use and management of burial and burning grounds;

(iv) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use;

(f) where the collection of an octroi has been sanctioned, fix octroi-limits for the purpose of collecting the same;

(g) regulate the exhibition of tables of octroi, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid are again exported, and the custody or storage of animals or goods declared not to be intended for use or consumption within the municipality into which they are brought;

(h) require and regulate—

(i) the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the municipality;

(ii) the appointment by owners of buildings or lands in the municipality, who are not resident in the municipality, of persons residing within or near the municipality to act as their agents for all or any of the purposes of this Act or any rule thereunder;

(j) regulate the assessment and collection of any tax imposed under this Act and the fees payable in respect of notices of demand;

(k) in any municipality where a reasonable number of slaughter-houses has been provided or licensed by the committee, control and regulate the admission within the municipal limits for the purpose of sale of the flesh (other than cured or preserved meat) of any cattle, sheep, goat or swine slaughtered at any slaughter-house or place not maintained or licensed under this Act; and

(l) generally provide for carrying out the purposes of this Act:

Provided that no bye-law made under clause (a) or clause (b) by the committee of a municipality in which the Hackney Carriage Act, 1879, is in force shall apply to any vehicle to which that Act applies.

(2) Bye-laws under clause (g) may, among other matters, provide a period of limitation after which no claim for refund of octroi shall be entertained, and also that no such refund shall be made when the amount thereof would be less than one rupee.

(3) When a cantonment authority, with the sanction of the Governor General in Council, has agreed with the committee of an adjoining municipality that the same octroi-limits shall be established for the cantonment and the municipality, and that octroi-collections and charges shall be divided between

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the cantonment fund and the municipal fund, the committee may fix limits under clause (f) of sub-section (1) so as to include so much both of the cantonment and of the municipal area as it may deem necessary, and shall have the same powers of collecting octroi on animals or goods brought within such limits, and the provisions of this Act relating to octroi shall apply in the same way as if the said limits were wholly comprised in the area of the municipality.

144. The committee of a municipality wholly Additional power to make bye-laws in hill tract may further make bye-laws—

- (a) for regulating or prohibiting the cutting or destroying of trees or shrubs, or the making of excavations or removal of soil or quarrying, where such regulation or prohibition appears to the committee to be necessary for the maintenance of a water-supply, the preservation of the soil, the prevention of land-slips or of the formation of ravines or torrents, or the protection of land against erosion or the deposit thereon of sand, gravel or stones;
- (b) for the regulation or prohibition of any description of traffic in the streets where such regulation or prohibition appears to the committee to be necessary for the prevention of danger or grave inconvenience to the public;
- (c) for rendering licenses necessary for using premises within bazars as stables or cow-houses;
- (d) for rendering licenses necessary within the municipality—
 - (i) for persons working as job porters for the conveyance of goods,
 - (ii) for animals or carriages let out on hire for a day or part thereof, and
 - (iii) for persons impelling or carrying such carriages;
- (e) for fixing the fees payable for such licenses as are referred to in this section, and the conditions on which such licenses are to be granted and may be revoked; and
- (f) for regulating the charges to be made for the services of such job porters as aforesaid, and for the hire of such animals or carriages, and for the remuneration of persons who impel or carry such carriages.

145. (1) In making any bye-law under any section of this Chapter, the committee may direct that a

Penalty for infringement of bye-law. breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

(2) In lieu of or in addition to such fine, the Magistrate may require the offender to remedy the mischief so far as within his power.

146. (1) No bye-law made under any section Confirmation of bye-law. of this Chapter shall come into force until it has been confirmed by the Local Government and publish-

ed for such time and in such manner as the Local Government may prescribe in this behalf.

(2) The Local Government may cancel its confirmation of any such bye-law, and thereupon the bye-law shall cease to have effect.

Supplemental.

147. (1) When any notice under this Chapter Execution of acts required any act to be done required to be done by for which no time is fixed any notice. by this Act, it shall fix a reasonable time for doing the same.

(2) Whenever it is provided by this Act that any such notice may be given to the owner or occupier of any land or building, and the owner and occupier are different persons, such notice shall be given to the one of them primarily liable to comply with such notice, and in case of doubt to both of them :

Provided that in any such case, where there is no owner resident within the municipality, the delivery of such notice to the occupier shall be sufficient.

(3) Whenever the terms of any such notice have not been complied with, the committee may, after six hours' notice by its officers, cause the act to be done.

148. (1) Where under this Act the owner or Recovery of costs of execution required by the committee to execute any work and default has been made in complying with the requirement, and the committee has executed the work, the committee may recover the cost of the work from the person in default.

(2) As between themselves and the committee both owner and occupier shall be deemed to be in default for the purposes of this section, but that one of them shall be deemed to be primarily in default upon whom as between landlord and tenant the duty of doing the required act would properly fall either in pursuance of the contract of tenancy or by law.

(3) When the person primarily in default is the owner, and the committee has recovered the whole or any part of the cost from the occupier, or he has paid the same upon its demand, he may deduct the sum so recovered or paid from the rent from time to time becoming due from him to the owner, or otherwise recover it from such owner.

(4) Provided that no occupier shall be required to pay under sub-section (3) any sum greater than the amount for the time being due from him to the owner either in respect of rent due at the date of such demand as aforesaid or thereafter accruing unless he has refused on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(5) All money recoverable by a committee under this section may be recovered either by suit or on application to a Magistrate having jurisdiction within the municipality by distress

*The Punjab Municipal Act, 1891.**(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 149-151.**Chapter VII.—Offences affecting the Public Health, Safety or Convenience.—**Sections 152-157.)*

and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of the property shall, until it is paid, be a charge on the property.

(6) Nothing in this section shall affect any contract between an owner and an occupier.

149. (1) The committee may make compensation out of the municipal Compensation out of fund to any person sustaining municipal fund. any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants under this Act, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(2) Should any dispute arise touching the amount of any compensation which the committee is required by this Act to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or, in default of agreement, in the manner provided by the Land Acquisition Act, 1870, with reference to the acquisition of and payment of compensation for land for public purposes so far as it can be made applicable.

Appeals from orders of committee. **150.** (1) Any person aggrieved—

- (a) by the prohibition by a committee under section 92 of the erection or re-erection of a building, or
- (b) by a notice from a committee under sub-section (4) of section 92 or sub-section (2) of section 93 requiring the alteration or demolition of a building, or
- (c) by any order made by a committee under the powers conferred upon it by section 101, 132 or 136,

may appeal within thirty days from the date of such prohibition, notice or order to such officer as the Local Government may appoint for the purpose of hearing such appeals or any of them, or, failing such appointment, to the Commissioner in the case of a committee of a first class municipality, or to the Deputy Commissioner in the case of a committee of a second class municipality; and no such prohibition, notice or order shall be liable to be called in question otherwise than by such appeal:

Provided that if, in the latter case, the Deputy Commissioner or such other officer as aforesaid be himself a member of the committee, the appeal shall lie to the Commissioner.

(2) The appellate authority may, if it shall think fit, extend the period allowed by sub-section (1) for appeal.

(3) The order of the appellate authority confirming, setting aside or modifying the prohibition, notice or order appealed from shall be final:

Provided that the prohibition, notice or order shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

151. Every order of forfeiture under section Appeals from certain orders. 118 and every order under section 119 or section 120 shall be subject to appeal to the next superior Court, but shall not be otherwise open to appeal or revision.

CHAPTER VII.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

152. Whoever, without the permission of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter on roads or into drains.

Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains. **153.** Whoever, without the permission of the committee, causes or knowingly or negligently allows the water of any sink, sewer or cesspool, or any other offensive matter, to flow, drain or be put upon any street or place, or into any sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

154. Whoever, being the owner or occupier of any building or land, keeps or knowingly or negligently allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

155. Whoever, without the permission of the committee, makes or causes Making or altering drains without authority. to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the committee shall be punishable with fine which may extend to fifty rupees.

156. Whoever, without the permission of the committee, makes or keeps or keeping latrines, &c., for a longer time than one near any source of water-supply. week after notice under section 125 any drain, latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use shall be punishable with fine which may extend to twenty rupees, and, when a notice has issued, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

157. Whoever keeps any swine in disregard of any orders which the committee may give to prevent them from becoming a nuisance, or keeps any other animal so as to be injurious to the health of the inhabitants or of animals or so as to become a nuisance, shall be punishable with fine which may extend to twenty rupees, and

*The Punjab Municipal Act, 1891.**(Chapter VII.—Offences affecting the Public Health, Safety or Convenience.—**Sections 158-171. Chapter VIII.—Extinction and Prevention of Fire.—**Section 172.)*

with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

158. Whoever feeds, or allows to be fed, any animal which is kept for dairy purposes, or may be used for food on deleterious substances, filth or refuse of any kind, shall be punishable with fine which may extend to fifty rupees.

159. Whoever drives any vehicle after dark in any street at more than a walking pace, unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punishable with fine which may extend to twenty rupees.

160. Whoever discharges fire-arms or lets off fire-works or fire-balloons, or engages in any game, arms, &c. in such a manner as to caus or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

161. Whoever, being in charge of any elephant, camel or bear, omits on Control of elephants being requested to do so to remove as far as may be practicable his elephant, camel or bear to a safe distance on the approach of a horse, whether ridden or driven, shall be punishable with fine which may extend to twenty rupees.

162. Whoever, contrary to any orders of the committee, takes an elephant along a street shall be punishable with fine which may extend to twenty rupees.

163. Whoever, being the owner or person in charge of any dog which is at large, suffers dogs to be likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any street shall be punishable with fine which may extend to twenty rupees.

164. Whoever, without the permission of the committee, alters, obstructs or encroaching upon or encroaches upon any street, sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any street, or deposits building-materials or makes any hole or excavation on or in any street, or removes material from beneath any street so as to occasion risk of surface subsidence, shall be punishable with fine which may extend to fifty rupees.

165. Whoever quarries, blasts, cuts timber or Quarrying, blasting, cutting timber or building-materials in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood shall be punishable with fine which may extend to fifty rupees.

166. Whoever, contrary to the orders of the committee, picks animals or collects carts on any public ground, or uses any

such ground as a halting-place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

167. Whoever carries a corpse along a route Carrying corpses by prohibited by the committee, or in a manner as to cause annoyance. likely to cause annoyance to the public, shall be punishable with fine which may extend to ten rupees.

168. Whoever, without being authorised by the committee, defaces or destroys direction-post, lamp-posts, &c. or lamp-post, or extinguishes any light in any public place, shall be punishable with fine which may extend to ten rupees.

169. Whoever disobeys any lawful direction given by the committee by Penalty for disobedience of orders of committee under last Chapter by the last foregoing Chapter, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues:

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

170. When any order of the kind specified Prosecution to be in section 101, section 136 suspended in certain and section 169 is subject to appeal, and an appeal has been instituted against it, all proceedings to enforce such order and all prosecutions for any breach thereof shall be suspended pending the decision of the appeal, and, if such order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

171. Should the flesh of any cattle, sheep, goat or swine be brought within Disposal of certain imports seized under municipal limits in conany bye-law made travention of any bye-law under section 143, it may be seized by any officer of the committee authorised in that behalf, and may be destroyed or otherwise disposed of as the committee may direct.

CHAPTER VIII.**EXTINCTION AND PREVENTION OF FIRE.**

172. For the prevention and extinction of Establishment and fire the committee may maintenance of fire establish and maintain a brigade. fire-brigade, and may provide any implements, machinery, or means of

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 Chapter IX.—*Control.—Sections 176-179.*)

communicating intelligence which the committee may think necessary for the efficient discharge of their duties by the brigade.

173. (1) On the occasion of a fire in a municipality, any Magistrate, the secretary of the committee, any member of committee, any member of a fire-brigade maintained by the committee then and there directing the operations of men belonging to the brigade, and (if directed so to do by a Magistrate, or the secretary or a member of committee) any Police-officer above the rank of constable, may—

- (a) remove or order the removal of any person who by his presence interferes with or impedes the operations for extinguishing the fire or for saving life or property;
- (b) close any street or passage in or near which any fire is burning;
- (c) for the purpose of extinguishing the fire break into or through or pull down, or cause to be broken into or through or pulled down, or used for the passage of hoses or other appliances, any premises;
- (d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;
- (e) call on the persons in charge of any fire-engine to render such assistance as may be possible; and
- (f) generally take such measures as may appear necessary for the preservation of life or property.

(2) No person shall be liable to pay damages for any act done by him under sub-section (1) in good faith.

(3) Any damage done in the exercise of a power conferred or a duty imposed by this section shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

174. The powers conferred by the last foregoing section shall be subject to any regulations, conditions or restrictions which may be imposed by rule.

175. No portion of this Chapter shall take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.

CHAPTER IX.**CONTROL.**

176. (1) The Commissioner of the division or Control by Commissioner and Deputy of the district may—

- (a) enter on, inspect and survey, or cause to be entered on, inspected and surveyed, any immoveable property within the limits of the division or district respectively occupied by any committee or joint committee, or any work in progress within those limits under its directions;

(b) by order in writing call for and inspect any book or document in the possession or under the control of any committee or joint committee having authority within the said limits;

(c) by order in writing require any such committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the committee as he may think fit to call for; and

(d) record in writing, for the consideration of any such committee or joint committee, any observations he may think proper in regard to the proceedings or duties of the committee.

(2) Every committee shall submit such periodical reports to the Deputy Commissioner or other authority as the Local Government may direct.

177. The Commissioner or Deputy Commissioner may, by order in writing, suspend, within the division or district respectively, the execution of any resolution or order of a committee or joint committee, or prohibit the doing of any act within the said limits which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

178. (1) In cases of emergency the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or of doing the act shall be forthwith paid by the committee.

(2) Should the expense be not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as may from time to time be possible, from that balance, in priority to all other charges against the same.

179. (1) When the Commissioner, after due enquiry, is satisfied that a committee of the first class has made default in performing any duty imposed upon it under this Act, he may, by an order in writing, fix a period for the performance of that duty; and, should it not be performed within the period so fixed, he may appoint some person to perform it, and may direct that the expense thereof shall be paid within such time as he may fix by the committee.

(2) Should the expense be not so paid, the Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as may from time to time be possible, from that balance, in priority to all other charges against the same.

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(3) The Deputy Commissioner shall have the same powers with respect to committees of the second class as are by this section conferred upon the Commissioner with respect to committees of the first class.

180. When the Deputy Commissioner makes any order under section 177, section 178 or section 179, he shall forthwith forward to the Local Government through the Commissioner, and, when the Commissioner makes any order under section 177 or section 179, he shall forthwith forward to the Local Government, a copy thereof, with a statement of the reasons for making it, and with such explanation, if any, as the committee may wish to offer; and the Local Government may thereupon confirm, modify or rescind the order.

181. (1) The Local Government, and the Commissioners and Deputy Commissioners and Deputy Commissioners acting over committees, under the orders of the Local Government, shall be bound to require that the proceedings of committees shall be in conformity with law and with the rules in force under any enactment for the time being applicable to the Punjab generally or to the areas over which the committees have authority.

(2) The Local Government may exercise all powers necessary for the performance of this duty, and may, among other things, by order in writing, annul or modify any proceeding which it may consider not to be in conformity with law or with such rules as aforesaid.

(3) The Commissioner of the division and the Deputy Commissioner may, within their jurisdiction, for the same purpose exercise such powers as may be conferred upon them by rule made in this behalf by the Local Government.

182. (1) Should a committee be incompetent to perform, or persistently make default in the performance of the duties imposed on it by or under this or any other Act, or exceed or abuse its powers, the Local

Government may, with the previous approval of the Governor General in Council, by notification, in which the reasons for so doing shall be stated, declare the committee to be superseded:

Provided that, in case of public emergency, such notification may be issued without the previous approval of the Governor General in Council, but shall be forthwith reported to the Governor General in Council, and shall be subject to his orders.

(2) When a committee is so superseded, the following consequences shall ensue:—

- (a) all members of the committee shall, from the date of the notification, vacate their seats;
- (b) all powers and duties of the committee may, until the committee is reconstituted, be exercised and performed by such person as the Local Government may appoint in that behalf;
- (c) all property vested in the committee shall, until the committee is reconstituted, vest in Her Majesty.

(3) The Local Government may, if it shall think fit, at any time constitute another committee in the place of any committee superseded under this section.

183. (1) If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more committees constituted under this Act, or between any such committee and a district board or cantonment authority, the matter shall be referred—

- (a) to the Deputy Commissioner if the local authorities concerned are in the same district;
- (b) to the Commissioner or Commissioners of the division or divisions if the local authorities concerned are in different districts; and
- (c) to the Local Government if the local authorities concerned are in different divisions and the Commissioners of those divisions cannot agree.

(2) The decision of the authority to which any dispute is referred under this section shall be final.

(3) If, in the case mentioned in clause (a), the Deputy Commissioner is a member of one of the committees or boards concerned, his functions under the section shall be discharged by the Commissioner.

184. (1) The Local Government may frame forms for any proceeding of a committee for which it considers that a form should be provided, and may make rules consistent with this Act—

- (a) with respect to the powers and duties of committees in municipalities of the first and of the second class respectively;
- (b) as to the division of municipalities into wards, or of the inhabitants into classes, or both;
- (c) as to the number of representatives proper for each ward or class;
- (d) as to the qualifications of electors and of candidates for election;
- (e) as to the registration of electors;
- (f) as to the nomination of candidates, the time of election and the mode of recording votes;
- (g) generally for regulating all elections under this Act;
- (h) fixing the term of office of members and presidents of committees;
- (i) prescribing the qualifications requisite in the case of persons appointed by a committee to offices requiring professional skill;
- (j) as to the priority to be given to the several duties of the committee;
- (k) as to the authority on which money may be paid from the municipal fund;
- (l) as to the appointment, promotion, suspension, reduction, fining and dismissal of municipal watchmen;
- (m) as to the formation and working of municipal fire-brigades;
- (n) as to the procedure to be observed for the punishment or dismissal of servants of the committee;

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(o) as to the conditions on which property vested in the committee may be transferred by sale, mortgage, lease, exchange or otherwise ;

(p) as to the intermediate office or offices, if any, through which correspondence between committees or members of committees and the Local Government or officers of that Government shall pass ;

(q) as to the preparation of plans and estimates for works to be partly or wholly constructed at the expense of committees, and as to the person by whom, and the conditions subject to which, such plans and estimates are to be sanctioned ;

(r) as to the accounts to be kept by committees, as to the conditions on which such accounts are to be open to inspection by inhabitants paying any tax under this Act, as to the manner in which such accounts are to be audited and published, and as to the power of the auditors in respect of disallowance and surcharge ;

(s) as to the preparation of estimates of income and expenditure of committees, and as to the person by whom, and the conditions subject to which, such estimates may be sanctioned ;

(t) as to the returns, statements and reports to be submitted by committees ;

(u) as to the powers to be exercised by Commissioners and Deputy Commissioners under section 181 ;

(v) as to the language in which business shall be transacted, proceedings recorded and notices issued ;

(w) as to the publication of notices ; and

(x) generally for the guidance of committees and public officers in carrying out the purposes of this Act.

(2) Rules under clause (g) of sub-section (1) may, among other matters, provide—

(i) for the investigation of allegations of corrupt practices or intimidation at elections;

(ii) for making void the election of any person proved to the satisfaction of the Local Government or of the Commissioner, as the municipality may be of the first or of the second class, to have been guilty of corruption or intimidation or to have connived at or abetted the exercise of corruption or intimidation on his behalf by any other person;

(iii) for rendering incapable of municipal office either permanently or for a term of years any person whose election may have been made void as aforesaid for corruption or intimidation or for connivance at or abetment of the same; and

(iv) for the definition of the practices at municipal elections which are to be deemed to be corrupt or to amount to intimidation.

185. In all matters connected with this Act, the Local Government shall have and exercise over Commissioners and Deputy Commissioners, and Com-

missioners shall have and exercise over Deputy Commissioners, the same authority and control as they respectively have and exercise over them in the general and revenue administration.

CHAPTER X.**SUPPLEMENTAL.***Prosecutions.*

186. No Court shall take cognizance of any offence punishable under this Act or any rule or bye-laws except on the complaint of the committee or of some person authorised by the committee in this behalf.

Explanation.—The committee may authorise persons to prosecute either generally in regard to all offences against this Act and the rules thereunder or particularly in regard only to specified offences or offences of a specified class. The person authorised may be authorised by office if he is president, vice-president or secretary of the committee. In other cases the authority must be personal. The authority must in all cases be in writing, and may at any time be cancelled by the committee.

187. (1) In any municipality of the first class the Local Government may empower the committee, or its president, vice-president or secretary, or any sub-committee thereof, to accept from any person against whom a reasonable suspicion exists that he has committed an offence against this Act or any rule or bye-law, a sum of money by way of composition for such offence.

(2) On payment of such sum of money the suspected person if in custody shall be discharged, and no further proceedings shall be taken against him in regard to the offence or alleged offence so compounded for.

(3) Sums paid by way of composition under this section shall be credited to the municipal fund.

(4) Power under sub-section (1) to accept composition for alleged offences may be given either generally in regard to all offences under this Act and the rules and bye-laws, or particularly in regard only to specified offences or offences of a specified class, and may at any time be withdrawn by the Local Government.

(5) The Local Government may make rules to regulate the proceedings of persons empowered to accept composition under this section for alleged offences.

188. No Judge or Magistrate shall be deemed to be a party to, or personally interested in, any prosecution for an offence punishable under this Act or any rule or bye-law, or under any other law, within the meaning of section 555 of the Code of Criminal Procedure, 1882, by reason only that he is a member of the committee by the order, or under the authority, of which it has been constituted.

Rules and Bye-laws.

189. (1) The authority empowered to make any rules or bye-laws which require the sanction of the Local Government shall,

Procedure for making rules.

*The Punjab Municipal Act, 1891.**(Chapter X.—Supplemental.—Sections 190-196.)*

before making such rules or bye-laws publish in such manner as may, in its opinion, be sufficient for giving information to persons interested, a draft of the proposed rules or bye-laws, with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making such rules or bye-laws, receive and consider any objection or any suggestion which may be made by any person with respect to the draft before the date so specified.

(2) If, on such consideration of the draft, any modification is made, the Local Government shall determine whether it is desirable to republish the draft under this section.

(3) Every such rule or bye-law shall be notified in English, and in such other language or languages as the Local Government may direct; and such notification shall be conclusive evidence that such rule or bye-law has been made as is required by this section.

190. (1) A copy of all rules and bye-laws made Rules to be available under this Act for any for purchase and in municipality shall be kept inspection. at the committee's office, and shall be open during office hours without charge to the inspection of any inhabitant.

(2) Copies of all such rules and bye-laws shall be kept at the committee's office for sale to the public at a price not exceeding one rupee.

Notices.

191. (1) Every notice issued by a committee under this Act or under Authentication, service and validity of any rule or bye-law shall be notices. in writing, signed by the president, vice-president, secretary or assistant secretary, or by the members of any sub-committee specially authorised by the committee in that behalf, and may be served on the person to whom it is addressed, or delivered or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be affixed to some conspicuous part of his place of abode or business.

(2) When the place of abode or business of the person to whom the notice is addressed is not within the limits of the municipality, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(3) If the owner of any property has no place of abode or business within the municipality, every such notice addressed to him as such owner may be served on the occupier.

(4) When the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by affixing it to some conspicuous part of the property.

(5) No notice issued by the committee under this Act or under any rule or bye-law shall be invalid for defect of form.

192. When any notice is under the provisions of this Act to be given to or served on the owner or occupier of any property and he is unknown, it may be given or served—

(a) by delivering a written notice to some person on the property, or, should there

be no person on the property to whom it can be delivered, by affixing it to some conspicuous part of the property; or

(b) by putting into the post a prepaid letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

193. Every public notice given by a committee Publication of public notices. or bye-law shall be published by proclamation or in such other manner as the Local Government may, by rule, direct.

Alteration of Boundaries and Class of Municipality.

194. The Local Government may, by notification published in the official Gazette, and in such other manner as it may determine, declare its intention—

(a) to exclude from a municipality any local area comprised therein and defined in the notification; or
(b) to include within a municipality any local area in the vicinity of the same and defined in the notification:

Provided that, where the local area is a military cantonment or part of a military cantonment, no notification affecting it shall be published under this section without the previous consent of the Governor General in Council.

195. (1) Any inhabitant of a municipality or local area in respect of which alteration of limits of municipality a notification has been published under section 194 may, should he object to the alteration proposed, submit his objection in writing through the Deputy Commissioner to the Local Government within six weeks from the publication of the notification in the Gazette; and the Local Government shall take such objection into consideration.

(2) When six weeks from the publication of the notification have expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section (1), the Local Government may, by notification, exclude the local area from the municipality or include it therein, as the case may be.

196. (1) When any local area has been excluded from a municipality under section 195,—

(a) this Act, and all rules, bye-laws, orders, directions and powers made, issued or conferred under this Act shall cease to apply thereto; and
(b) the Local Government shall, after consulting the committee, frame a scheme determining what portion of the balance of the municipal fund and other property vested in the committee shall vest in Her Majesty for the benefit of such

*The Punjab Municipal Act, 1891.**(Chapter X.—Supplemental.—Sections 197-204.)*

local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council; and, on the scheme being notified, the property and liabilities shall vest and be apportioned accordingly.

(2) All property vested in Her Majesty under sub-section (1) shall be applied under the orders of the Local Government to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the said local area.

197. When any local area has been included in Effect of including a municipality under section 195, this Act, and, except as the Local Government may otherwise by notification direct, all rules, bye-laws, orders, directions and powers made, issued or conferred under this Act and in force throughout the whole municipality at the time, shall apply to such area.

198. The Local Government may, after consulting the committee, direct, by notification, that any municipality be transferred from one class to another.

Powers to except and withdraw Municipalities from provisions of Act.

199. (1) Should the circumstances of any municipality be such that, in the opinion of the Local Government, any of the provisions of this Act are unsuited thereto, the Local Government may, by notification, except the municipality from the operation of those provisions; and thereupon the said provisions shall not apply to the municipality until applied thereto by notification.

(2) While such exception as aforesaid remains in force, the Local Government may make rules for the guidance of the committee and public officers in respect of the matters excepted from the operation of the said provisions.

200. (1) The Local Government may, by notification, withdraw the whole area comprised in any municipality from the operation of this Act.

(2) When a notification is issued under this section in respect of any local area, this Act, and all rules, regulations, bye-laws, orders, directions and powers made, issued or conferred under this Act, shall cease to apply to the said area; and the balance of the municipal fund, and all other property at the time of the issue of the notification vested in the committee, shall vest in Her Majesty, and the liabilities of the committee shall be transferred to the Secretary of State for India in Council.

(3) All property vested in Her Majesty under sub-section (2) shall be applied under the orders of the Local Government to discharge the liabilities imposed on the Secretary of State for India in Council by that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the said area.

Miscellaneous.

201. Any arrears of any tax or fee or any other money claimable by Recovery of taxes, a committee under this Act &c. may be recovered, on application to a Magistrate having jurisdiction within the limits of the municipality, or in any other place where the person from whom the money is claimable may for the time being be resident, by the distress and sale of any moveable property within the limits of his jurisdiction belonging to such person.

202. When any building used as a human dwelling is entered under observed in entering this Act, due regard shall be paid to the social and religious sentiments of the occupiers; and, before any apartment in the actual occupancy of any woman, who according to custom does not appear in public, is entered under this Act, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

203. (1) In the absence of a written contract Obligation of municipal servants to dis- to the contrary, every sweeper employed by a com- charge their duties. mittee shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

(2) Should any sweeper employed by a committee in the absence of a written contract authorising him so to do and without reasonable cause resign his employment or absent himself from his duties without giving one month's notice to the committee, or neglect or refuse to perform his duties or any of them, he shall be liable to imprisonment which may extend to two months.

(3) The Local Government may, by notification, direct that on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to sweepers shall apply also to any specified class of servants employed by any committee whose functions intimately concern the public health or safety.

204. (1) On the complaint of three or more inhabitants of a municipality that a house in their immediate neighbourhood and within the limits of the municipality is used as a brothel or by disorderly persons of any description to the annoyance of the respectable inhabitants of the vicinity, any Magistrate of the first class having, as such, jurisdiction in the place where the house is situated may summon the owner or tenant of the house to answer the complaint; and, on being satisfied that the house is so used, and is a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it; and, if he shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used.

(2) This section shall not take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.

The Punjab Municipal Act, 1891.

(*Chapter X.—Supplemental.—Sections 205-209. Chapter XI.—Small Towns—Sections 210-214. Schedule.*)

205. (1) When any person, by reason of his receiving the rent of immoveable property as agent or trustee, or of his being as agent or trustee the person who would receive the rent if the property were let to a tenant, would, under this Act, be bound to discharge any obligation imposed by this Act on the owner of the property and for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hands funds belonging to the owner sufficient for the purpose.

(2) The burden of proving the facts entitling an agent or trustee to relief under this section shall lie on him.

(3) When any agent or trustee has claimed and established his right to relief under this section, the committee may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf or for the use of the owner, and, should he fail to comply with such notice, he shall be deemed to be personally liable to discharge such obligation.

206. Should any question arise whether any person or specified class of persons is or are an inhabitant or inhabitants of a local area within the meaning of this Act, the decision thereon of the Commissioner of the Division shall be conclusive.

207. Nothing in this Act shall affect the Local Authorities Loans Act, Saving of Act XI of 1879.

Simla.

208. Whereas there is at present levied on Simla land-tax certain lands situate in the municipality of Simla a tax at the rate of ten rupees per two thousand five hundred square yards or fraction of two thousand five hundred square yards, the said tax shall be deemed to be a tax lawfully imposed and assessed under this Act and leviable in addition to any other tax leviable hereunder.

209. The house and frontage taxes which have been levied in the Simla house and municipality of Simla since the year 1885 shall, at the rates charged in the year 1890, be deemed to have been and to be duly imposed under this Act.

CHAPTER XI.**SMALL TOWNS.**

210. (1) The Local Government may, by notification, declare that, with respect to some or all of the matters upon which a municipal fund may be expended under section 72, improved arrangements are required within a specified area, which, nevertheless, it is not expedient to constitute as a municipality.

(2) An area in regard to which a notification has been issued under sub-section (1) is herein-after called a notified area.

(3) No area shall be made a notified area if it contains more than ten thousand inhabitants according to the returns of the most recent official census, or unless it contains a town or bazaar and is not a purely agricultural village.

Power of Local Government to impose taxation and regulate expenditure of proceeds thereof.

211. (1) The Local Government may—

- (a) impose in any notified area any tax which could be imposed there by the committee if the notified area were a municipality;
- (b) apply or adapt to the notified area, for the assessment and recovery of any tax imposed under clause (a), any of the provisions of this Act, or of any rules for the time being in force, with respect to the assessment and recovery of any tax imposed under this Act;
- (c) arrange for the due expenditure of the proceeds of taxes imposed under clause (a), and for the preparation and maintenance of proper accounts;
- (d) appoint a committee of one or more persons for the purposes of clauses (b) and (c);
- (e) extend to any notified area the provisions of any section of this Act subject to such restrictions and modifications, if any, as the Local Government may think fit.

(2) The proceeds of any tax levied in any notified area under this section shall be expended only in some manner in which the municipal fund of such notified area might be expended if the notified area were a municipality.

212. For the purposes of any section of this Act which may be extended to a notified area, the committee appointed for such area under section 211 shall be deemed to be a municipal committee under this Act and the area to be a municipality.

213. The Local Government may at any time Discontinuance of notification under section 210.

214. When by reason of any order of cancellation under the last foregoing section any notified area ceases to be notified, the unexpended proceeds of any taxes levied therein under section 211 shall be applied for the benefit of the inhabitants of the said area as the Local Government may think fit.

SCHEDULE.

(*List of places referred to in section 42.*)

SIMLA.

DALHOUSIE.

DHARAMSALA.

MURREE.

L. PORTER,
Offg. Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 8th October 1891, and is hereby promulgated for general information:

ACT NO. XXI OF 1891.

An Act to amend the Lower Burma Municipal Act, 1884.

WHEREAS it is expedient to amend the Lower Burma Municipal Act, 1884; It is hereby enacted as follows:

1. In section 2 of the Lower Burma Municipal Act, 1884, the word "and" at the end of the definition of "inhabitant" shall be omitted, and, after the definition of "street," the following shall be inserted, namely:

"sewage" means night-soil and other proper contents of water-closets, latrines, urinals, privies, drains and cesspools:

"drain" includes a sewer, pipe, ditch or channel, or any other device for carrying off sullage, sewage or polluted water: and

"drainage-connection" includes—

- (a) any drain or pipe between any water-closet, latrine, urinal, privy, bathroom, cookroom, sink, sullage-tray, manhole or trap on the one hand and any sewer or drain set apart by the committee for sullage, sewage and other offensive matter on the other hand, and
- (b) any cistern, flush-tank, land, building, machinery, work or thing for collecting and passing into any sewer or drain vested in the municipal committee, or used for so collecting and passing, any sullage, sewage or polluted water."

2. In section 41, sub-section (1), division (A), of the said Act the following shall be added after clause (d), namely:

- "(e) a toll on vehicles and animals used as aforesaid entering the municipality and

not liable to taxation under the preceding clause:

Provided that any person may compound for exemption from all tolls leviable in respect of any animal or vehicle under this clause by paying the tax which would have been leviable in respect thereof under clause (d) if the same had been kept within the municipality."

Substitution of new clause for section 61, section (2), clause (k), sub-section (2), clause (k), Act XVII, 1884.

3. For section 61, sub-

section (2), clause (k), the following shall be substituted, namely:

"all acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants, or expenditure whereon may be declared by the committee, with the sanction of the Local Government, to be an appropriate charge on the municipal fund."

4. For section 75 of the said Act the following shall be substituted, section for section 75, namely:

Substitution of new section for section 75, namely:

Act XVII, 1884.

"75. (1) Every person intending to erect or re-erect any building shall, if required by rule made by the committee in this behalf to do so, give notice in writing of his intention to the committee, and shall, if required by rule made by the committee in this behalf to do so, submit with such notice—

- (i) a site-plan of the land;
- (ii) where the land belongs to the Government or the committee, a certified copy of the document or documents authorizing him to occupy the land, and, on the requisition of the committee, the original document or documents also if the committee desires to inspect it or them;
- (iii) a plan showing the levels at which the foundation and lowest floor or plinth are proposed to be laid, and specifications of the work intended to be constructed and the materials to be used.

"(2) The committee may at any time within six weeks thereafter, by notice, either prohibit the erection or re-erection of such building if deemed likely to be injurious to the inhabitants

of the neighbourhood, or give any directions consistent with this Act in respect of all or any of the matters following, namely:

- (a) trespass or encroachment on land belonging to the Government or the committee;
- (b) free passage or way in front of the building;
- (c) space to be left about the building to secure free circulation of air and facilitate scavenging and for the prevention of fire;
- (d) ventilation and drainage;
- (e) level and width of foundation, level of lowest floor or of plinth and stability of structure;
- (f) line of frontage with neighbouring buildings if the building abuts on a street or public thoroughfare; and
- (g) situation of water-closets, latrines, urinals, privies, drains, cesspools, traps, sinks, sullage-trays and wells:

Provided that the committee shall make full compensation to the owner for any damage which he may sustain in consequence of the prohibition of the re-erection of any building, or of its requiring any land belonging to him to be added to the street.

"(3) If any building is begun or erected or re-erected in contravention of any such rule as aforesaid, or in disobedience to any such prohibition as aforesaid, or in contravention of any such written direction as aforesaid, the committee may, by notice, require the building to be altered or demolished, as it may deem necessary.

"(4) The expression 'erect or re-erect any building' includes—

- (a) any material alteration or enlargement of any building;
- (b) the conversion into a place for human habitation of any building not originally constructed for human habitation;
- (c) the conversion into more than one place for human habitation of a building originally constructed as one such place;
- (d) the conversion of two or more places of human habitation into a greater number of such places;
- (e) such alteration of the internal arrangements of a building as effects an alteration of its drainage or sanitary arrangements, or affects its security; and
- (f) the addition of any rooms, buildings, out-houses or other structures to any building."

5. After section 75 the following section shall be added, namely:

Addition of new section after section 75, Act XVII, 1884.

"75A. (1) The committee may by rules regulate in respect of the erection or re-erection of any building within the municipality—

Power of committee to make rules as to mode of construction of buildings.

- (a) the materials and method of construction to be used for external and party walls, roofs, floors, fire-places and chimneys;
- (b) the position of fire-places, chimneys, drains, privies and cesspools;

(c) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;

- (d) the number and height of the storeys of which the building may consist; and
- (e) the means to be provided for egress from the building in case of fire:

Provided that the committee may by resolution dispense with the observance of any or all of the rules made under this section in regard to the erection or re-erection of any building specified in the resolution.

"(2) If in and during the erection or re-erection of any building any rule under this section is contravened, the committee may by notice, to be delivered within a reasonable time, require the building to be altered or demolished within the space of thirty days, as it may deem necessary:

"Provided that no such notice shall issue in respect of the contravention of any rule of which the observance has been dispensed with under the proviso to sub-section (1).

"(3) This section shall not take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee."

6. For section 91 of the said Act the following shall be substituted, section for section 91, namely:

Act XVII, 1884.

"91. (1) The committee may, by notice, require the owner of any building or land to remove or provide, in such manner as the committee may direct, any water-closet, latrine, urinal, privy, drain, cesspool, trap, sink or sullage-tray, or any additional water-closets, latrines, urinals, privies, drains, cesspools, traps, sinks or sullage-trays, which should, in its opinion, be provided for the building or land.

"(2) The committee may, by notice, require any person employing more than twenty workmen or labourers to provide such water-closets, latrines, urinals, privies, drains, cesspools, traps, sinks or sullage-trays as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

"(3) The committee may, by notice, require the owner or occupier of any building or land to have any water-closet, latrine, urinal or privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee may direct, any door or trap-door of a water-closet, latrine, urinal or privy opening on to any street or drain."

7. For section 92 of the said Act the two sections following shall be substituted, namely:

"92. (1) The committee may, by notice, require the owner or occupier of any building or land to close, repair, alter or put in good order any water-closet, latrine, urinal, privy, drain, cesspool, trap, sink or sullage-tray belonging thereto.

"(2) The committee may, by notice, require any person who constructs any new water-closet, latrine, urinal, privy, drain, cesspool, trap, sink or sulliage-tray without its permission in writing or contrary to its directions or regulations or to the provisions of this Act, or who constructs, re-builds or opens any water-closet, latrine, urinal, privy, drain, cesspool, trap, sink or sulliage-tray which it has ordered to be demolished or stopped up or not to be made, to demolish the water-closet, latrine, urinal, privy, drain, cesspool, trap, sink or sulliage-tray, or to make such alteration therein as it thinks fit.

"92A. (1) Where any building or land situated within one hundred feet of one of the sewers or drains set apart by the committee for sulliage, sewage or other offensive matter is at any time not drained to the satisfaction of the committee by any or a sufficient drainage-connection with such sewer or drain, the committee may by notice require the owner of such building or land to make and maintain a drainage-connection with the sewer or drain in such manner as the committee may, by rule made with the sanction of the Local Government, direct.

"(2) The provisions of sections 109 and 110 of this Act shall apply to any default in compliance with any such requisition notwithstanding that part of the land through which the said drainage-connection is required to pass may not belong to the person so making default, unless he shall prove that the default was caused by the act of the owner or occupier of such last-mentioned land.

"(3) This section shall not take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee."

8. In section 106, clause (4), the word "and" at the end of the Amendment of section 106, clause (4), Act XVII, 1884, and addition to same section. the following clause shall be added, namely:

"(4A) for requiring and regulating the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the municipality; and".

Addition of new section 132. After section 132 the following section shall be added, namely:

"132A. (1) In the absence of a written contract to the contrary, every municipal servants to discharge their duties. committee shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

"(2) Should any sweeper hereafter employed by a committee in the absence of a written contract authorising him so to do and without reasonable cause resign his employment or absent himself from his duties without giving one month's notice to the committee, or neglect or refuse to perform his duties or any of them, he shall be liable to imprisonment which may extend to two months.

"(3) The Local Government may, by notification, direct that, on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to sweepers shall apply also to any specified class of servants employed by any committee whose functions intimately concern the public health or safety."

L. PORTER,
Offg. Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 8th October 1891, and is hereby promulgated for general information :

ACT NO. XXII OF 1891.

An Act to extend the Inland Emigration Act, 1882.

WHEREAS it is expedient to extend the Inland Emigration Act, 1882; It is hereby enacted as follows :

1. The Inland Emigration Act, 1882, is hereby ^{1 of 1882.} extended to the territories ^{1882,} to the Central Provinces. administered by the Chief Commissioner of the Central Provinces.

2. It shall be lawful for the Governor in Council, with the previous sanction of the Governor General in Council, by notification in the Fort St. George Gazette, to extend the said Act to the whole or any portion of the Madras Presidency.

L. PORTER,
Offg. Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 18, 1891.

~~©~~ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations, or Reports of Select Committees presented to the Council.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th July 1891:

NO. 10 OF 1891.

A Bill to validate certain marriages solemnized under Part VI of the Indian Christian Marriage Act, 1872.

WHEREAS provision is made in Part VI of the Indian Christian Marriage Act, 1872, for the solemnization of marriages between persons of whom both are Native Christians, but not of marriages between persons of whom one only is a Native Christian;

And whereas persons licensed under section 9 of the said Act have in divers parts of British India, through ignorance of the law, permitted marriages to be solemnized in their presence under the said Part between persons of whom one is a Native Christian and the other is not a Native Christian;

And whereas it is expedient that such marriages, having been solemnized in good faith, should be validated;

It is hereby enacted as follows:

Commencement. I. This Act shall come into force at once.

2. In this Act the expression "Native Christian" has the same meaning as in the Indian Christian Marriage Act, 1872.

XV of 1872.

3. All marriages which have already been solemnized under Part VI of the Indian Christian Marriage Act, 1872, or XV of 1872, which may within three months after the commencement of this Act be solemnized under that Part between persons of whom one only was or shall have been a Native Christian, shall be as good and valid in law as if such marriages had been solemnized between persons of whom both were Native Christians.

4. Certificates of marriages which are declared by the last foregoing section to be good and valid in law and register-books, and certified copies of true and duly authenticated extracts therefrom, deposited in compliance with the law for the time being in force, in so far as the register-books and extracts relate to such marriages as aforesaid, shall be received as evidence of such marriages as if such marriages had been solemnized between persons of whom both were Native Christians.

5. References in this Act to the Indian Christian Marriage Act, 1872, shall, so far as may be requisite, be construed as applying also to the corresponding portions of the Indian Marriage Act, 1865.

V of 1865.

6. If any person licensed under section 9 of the said Act to grant certificates of marriage between Native Christians shall at any time after the passing of this Act solemnize or affect to solemnize any marriage under Part VI of the said Act or grant any such

certificate as therein mentioned, knowing that one of the parties to such marriage or affected marriage was at the date of such solemnization not a Christian, he shall be liable to have his license cancelled, and in addition thereto he shall be deemed to have been guilty of an offence prohibited by section 73 of the said Act, and shall be punishable accordingly.

STATEMENT OF OBJECTS AND REASONS.

THE objects and reasons of this Bill are set forth in its preamble. Marriages between persons who are Christians and persons who are not Christians must be solemnized under some other Part of the Indian Christian Marriage Act, 1872, than Part VI.

The 15th July, 1891.

ALEX. EDW. MILLER.

S. HARVEY JAMES,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 25, 1891.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations, or Reports of Select Committees presented to the Council.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd July 1891:

NO. II OF 1891.

A Bill to extend the jurisdiction of the Court of Small Causes of Madras.

WHEREAS it is expedient to extend the jurisdiction of the Court of Small Causes of Madras; It is hereby enacted as follows:—

I. (1) This Act may be called the Madras Small Cause Court Act, 1891; and

(2) It shall come into force on such day as the Governor of Fort St. George in Council may, by notification in the local official Gazette, appoint in this behalf.

2. In this Act, unless there is something repugnant in the subject or context,—

(1) "High Court" means the High Court of Judicature at Madras: and

(2) "Small Cause Court" means the Court of Small Causes of Madras.

3. (1) The Small Cause Court shall, in addition to the jurisdiction which it already possesses, have jurisdiction to receive and try all suits except—

(i) suits of classes mentioned in clauses (a), (b), (c), (l), (m), (r) and (u) of

section 19 of the Presidency Small Cause Courts Act, 1882, and XV of 1882.

(ii) suits of value exceeding five thousand rupees, or of such higher value exceeding five thousand and not exceeding ten thousand rupees as the Governor of Fort St. George in Council may, with the previous sanction of the Governor General in Council, direct by notification in the local official Gazette.

(2) Such a direction as is referred to in exception (ii) to sub-section (1) may be revoked or varied by the Governor of Fort St. George in Council with such sanction and by such a notification as in that exception described.

(3) The provisions of the Code of Civil Procedure and of Chapter X of the Presidency Small Cause Courts Act, 1882, shall apply to all proceedings before the Small Cause Court or any Judge or Judges thereof exercising the extended jurisdiction conferred or conferable under sub-section (1), and appeals from decrees and orders passed in the exercise of such jurisdiction shall, when such appeals are allowed by law, lie to the High Court.

(4) The Presidency Small Cause Courts Act, XV of 1882, shall, in relation to the Small Cause Court, be read as if—

(a) the words "in the High Court" were omitted from sections 47, 49 and 61;

(b) the words "any Judge having jurisdiction with respect to the suit" had been enacted instead of the words "any Judge of the High Court" where these latter words occur in section 61; and

(c) the figures "10,000" were substituted for the figures "2,000" in the second column of the fourth schedule.

XV of 1882. **4. Sections 21 and 22 of the Presidency Small Cause Courts Act, 1882, are, 21 and 22, Act XV, in relation to the Small Cause Court, hereby repealed.**

5. All suits to which an officer of the Small Cause Court is, as such, a party, except suits in respect of property taken in execution of its process, or the proceeds or value thereof, may be instituted in the High Court at the election of the plaintiff.

6. (1) If any suit cognizable by the Small Cause Court, other than a suit to which the last foregoing section applies, is instituted in the High Court, no costs shall be allowed to the plaintiff;

and, if in any such suit the plaintiff does not obtain a decree, the defendant shall be entitled to his costs as between attorney and client.

(2) The provisions of sub-section (1) shall not apply to any suit in which the Judge who tries the same certifies that it was one fit to be brought in the High Court.

7. When under

Allowance for fees paid in Small Cause Court in cases removed to High Court.

section 13 of the Letters Patent for the High Court, dated the twenty-eighth day of December, 1866, or under section 25 of the Code of Civil Procedure,

the High Court has removed for trial by itself any suit from the Small Cause Court, fees on the scale for the time being in force in the High Court as a Court of ordinary original civil jurisdiction shall be payable in that Court in respect of the suit and proceedings therein:

Provided that in the levy of any such fees which, according to the practice of the Court, are credited to the Government, credit shall be given to the plaintiff in the suit for any fee which in the Small Cause Court he has already paid under Chapter X of the Presidency Small Cause Courts Act, 1882, on the plaint.

8. Notwithstanding anything to the contrary

Attachment before judgment in section 23 of, or the judgment in Small Cause Court.

Presidency Small Cause Courts Act, 1882, sections 483 to 489 (both inclusive) and section 491 of the Code of Civil Procedure, respecting the attachment of immoveable property before judgment, shall extend, and shall, so far as the same may, in the judgment of the Court, be applicable, be applied, to the Small Cause Court when exercising the jurisdiction conferred upon it by section 18 of the said Act.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to constitute what may be called a *regular* side of the Madras Court of Small Causes for the trial (1) of suits of the nature of small causes, but of a value exceeding the limit of Rs. 2,000 fixed by section 18 of the Presidency Small Cause Courts Act, 1882, and (2) of suits not of the nature of small causes. At present all such suits have to be instituted in the High Court, and the result has been found to be not only a great waste of judicial power, but also a practical denial of justice to suitors who are unable to bear the expense of a trial in the High Court. It is therefore proposed to confer on the Small Cause Court jurisdiction in all such suits (with the exception of a few defined classes) of value not exceeding five thousand rupees; and it is further proposed to give power to the Governor in Council, with the previous sanction of the Governor General in Council, to raise this limit of value from time to time to any sum not exceeding ten thousand rupees.

2. The provisions of the Code of Civil Procedure are to apply to all these cases, and appeals from the decrees and orders passed by the *regular* side of the Small Cause Court, where appeals are ordinarily allowed by law, will lie to the High Court.

3. It is not proposed to abrogate the jurisdiction vested in the High Court with regard to such cases, but if a suit cognizable by the Small Cause Court is unnecessarily instituted in the High Court, the plaintiff will be debarred from recovering costs from the defendant, while, if his suit fails, he will have to pay costs to the defendant on the most liberal scale.

4. Of the other provisions of the Bill the only one calling for notice is that in section 8, which applies to the Small Cause Court, even when exercising jurisdiction under section 18 of the Presidency Small Cause Courts Act, 1882, the provisions of the Code of Civil Procedure respecting the attachment of immoveable property before judgment.

The 23rd July, 1891.

PHIL. P. HUTCHINS.

S. HARVEY JAMES,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 8, 1891.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, or Reports of Select Committees presented to the Council.

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Indian Merchant Shipping Act, 1880, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 6th August 1891:

WE, the undersigned, Members of the Select Committee to which the Bill to amend

From High Court, Calcutta, No. 223, dated 28th January, 1891 [Paper No. 1].
From Government, Bengal, No. 280 Marine, dated 29th January, 1891, and enclosure [Papers No. 2].
From Government, Madras, No. 193 Judicial, dated 29th January, 1891, and enclosures [Papers No. 3].
From Chief Commissioner, Burma, No. 162-11 M.S., dated 7th February, 1891, and enclosures [Papers No. 4].
From Government, Bombay, No. 47 dated 17th February, 1891, and enclosures [Papers No. 5].
From ditto, No. 66, dated 9th March, 1891, and enclosure [Papers No. 6].
To Her Majesty's Secretary of State for India, No. 40, dated 31st December, 1890; from ditto, No. 3, dated 5th March, 1891, and enclosures [Papers No. 7].

the Indian Merchant Shipping Act, 1880, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to sub-

mit this our Report, with the Bill as revised by us annexed thereto.

2. The Bill, as introduced, has been generally approved by the Board of Trade; but we have deemed it expedient to recommend the adoption of the following suggestions which have been made by Local Governments, namely:—

- (1) that section 43 in the revised portion of the Indian Merchant Shipping Act, 1880, relating to deck and load-lines, should provide for the recognition of marks attached in Colonies which have legislated on the model of the English Act of 1890, and whose legislation has been approved by Order in Council, that is to say, that Colonial marks which are recognised in the United Kingdom should also be recognised in India;
- (2) that the Bill should contain a section, like section 4 of the English Act of 1890, bringing foreign ships under the law unless the countries to which they belong have a law or laws on the subject of deck and load-lines equally effective with the English (or Indian) law;
- (3) that the Bill should give power to the Local Government to exempt Native craft not square-rigged, such craft being not really concerned with deck and load-line laws; and
- (4) that surveyors employed by any society, corporation or association for the survey or registry of shipping approved by the Board of Trade should be authorised, on appointment in this behalf by the Local Government, to approve and certify the position of discs.

3. We have also provided for the making of rules (with the previous sanction of the Governor General in Council) for the definition of fair and foul seasons and for the modification of tables of free-board in the case of any class or classes of vessels. This provision will enable the Government to deal, as occasion may arise, with vessels in the coasting or exclusively Eastern trade to which it may be unnecessary to apply to their full extent the rules of the Board of Trade.

4. The other alterations which we have made in the Bill are not such as to call for remark.

5. The publication ordered by the Council has been made as follows:—

In English.

<i>Gazette.</i>	<i>Date.</i>
Gazette of India	20th December, 1890.
Fort Saint George Gazette	13th January, 1891.
Bombay Government Gazette	1st January, 1891.
Calcutta Gazette	24th December, 1890.
Burma Gazette	3rd January, 1891.

In the Vernaculars.

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Bombay	Marathi	28th January, 1891.
	Gujarathi	28th January, 1891.

6. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

D. BARBOUR.

ALEX. EDW. MILLER.

The 6th August, 1891.

No. II.

A Bill to amend the Indian Merchant Shipping Act, 1880.

WHEREAS it is expedient to amend and add to the provisions of the Indian Merchant Shipping Act, 1880 (hereinafter called the said Act), respecting unseaworthy and unsafe ships; It is hereby enacted as follows:—

1. (1) This Act may be called the Deck and Load Lines Act, 1891: Title and commencement.

(2) It shall come into force on the first day of September, 1891.

2. To section 3 of the said Act the following shall be added, namely:—

Addition to section 3, Act VII, 1880.
“The Local Government, with the previous sanction of the Governor General in Council, may from time to time, by notification in the local official Gazette, exclude from, or bring again within, the operation of this Chapter or any part thereof, subject to such modifications thereof (if any) as may be specified in the notification, any Native craft not square-rigged.”

3. To section 4 of the said Act the following shall be added, namely:—

Addition to section 4, Act VII, 1880.
“Amidships” means the middle of the length of the load water-line as measured from the fore side of the stem to the aft side of the stern-post.”

4. For sections 33 to 43, both inclusive, of the said Act the following sections shall be substituted, namely:—

Substitution of new sections for sections 33 to 43, Act VII, 1880.

“Deck and Load-lines.

“33. (1) Every British Indian ship shall be permanently and conspicuously marked outside lines. with lines of not less than twelve inches in length and one inch in breadth painted longitudinally on each side amidships, or as near thereto as practicable, and indicating the position of each deck which is above water.

(2) The upper edge of each of these lines shall be level with the upper side of the deck-plank next the waterway at the place of marking.

(3) The lines shall be white or yellow on a dark ground, or black on a light ground.

“34. (1) The master of every British ship not being a coasting-vessel in case of vessels which are not coasting-vessels. Sea Customs Act, 1878, VIII shall, before his ship is entered outwards from any port in British India upon any voyage, or if that is not practicable, as soon after as may be, mark outside upon each of her sides amidships, or as near thereto as practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter, with a horizontal line eighteen inches in length drawn through its centre.

(2) The centre of the disc shall be placed at such level below the deck-line marked under the provisions of this Chapter or of the Merchant Shipping Act, 1876, as may be approved by the Local Government, and shall indicate the maximum load-line in perfectly smooth salt-water to which it shall be lawful to load the ship.

(3) When a ship has been marked as by this section required, she shall be kept so marked

until she next returns to a port of discharge in British India or arrives at a port in the United Kingdom.

"35. (1) Every person applying for entry of any such ship outwards shall insert, in the form of application made to the Customs-collector, a statement in writing of the distance in feet and inches between the centre of such disc and the upper edge of each of the lines indicating the position of the ship's decks which is above such centre; and, if default be made in delivering this statement, the Customs-collector may refuse to enter the ship outwards.

(2) A copy of this statement shall be entered in the agreement with the crew before it is signed by any member of the crew, and no shipping-master shall proceed with the engagement of a crew for any such ship until this entry has been made.

(3) The master shall enter a copy of this statement in the official log-book (if any).

"36. (1) The master of every British ship which is a coasting-vessel within the meaning of the Sea Customs Act, 1878, shall, before proceeding to sea from any port, mark outside upon each of her sides amidships or as near thereto as practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter, with a horizontal line eighteen inches in length drawn through its centre.

(2) The centre of the disc shall be placed at such level below the deck-line marked under the provisions of this Chapter or of the Merchant Shipping Act, 1876, as may be approved by the Local Government, and shall indicate the maximum load-line in perfectly smooth salt-water to which it shall be lawful to load the ship.

(3) When a ship has been marked as required by this section, she shall be kept so marked until notice has been given of an alteration.

"37. (1) The master of every such ship shall send or deliver to the Collector, or other principal officer of Customs of such port as the Local Government may, from time to time, appoint in this behalf, a statement in writing of the distance in feet and inches between the centre of the disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre.

(2) The master, before the ship proceeds to sea after any renewal or alteration of the disc, shall send or deliver to the Collector or other principal officer of Customs aforesaid notice in writing of such renewal or alteration, together with such statement in writing as before mentioned of the distance between the centre of the disc and the upper edge of each of the deck-lines.

(3) If default be made in sending or delivering any notice or statement required by this section to be sent or delivered, the master shall be liable to a fine which may extend to one thousand rupees.

"38. The foregoing provisions of this Chapter with respect to deck and load-lines are subject to the provisions of the two next following sections.

"39. (1) The position of the discs mentioned in sections 34 and 36 respectively shall be fixed in accordance as to position and cordance with the tables framed by the Load-line Committee appointed in the United Kingdom before the passing of the Merchant Shipping Act, 1890, subject to such allowance as may be necessary in consequence of any difference between the position of the deck-line marked under the provisions of this Chapter or of the Merchant Shipping Act, 1876, and the position of the line from which free-board is measured under the said tables, and subject also to such modifications, if any, of the tables and the application thereof as may from time to time, with the previous approval of the Governor General in Council, be sanctioned by the Local Government.

(2) The Local Government shall from time to time appoint—

(a) a surveyor employed by *Lloyd's*, or by any other society, corporation or association for the survey or registry of shipping approved by the Board of Trade under section 2 of the Merchant Shipping Act, 1890, and specially authorized in this behalf by *Lloyd's* or by such society, corporation or association, as the case may be, or

(b) an officer specially selected by the Local Government for the purpose,

to approve and certify on its behalf from time to time the position of any such disc as aforesaid, and any alteration thereof,

and may, with the previous sanction of the Governor General in Council, from time to time fix the fees to be taken in respect of any such approval or certificate.

(3) The Local Government may suspend or remove from office any surveyor or officer so appointed.

"40. (1) The Local Government, with the previous sanction of the Governor General in Council, may from time to time make rules—

(a) determining the lines or marks to be used in connection with any such disc as aforesaid, in order to indicate the maximum load-line under different circumstances and at different seasons, and declaring that the provisions of this Chapter are to have effect as if any such line were drawn through the centre of the disc;

(b) as to the mode in which the disc and the lines or marks to be used in connection therewith are to be marked or affixed on the ship, whether by painting, cutting or otherwise;

(c) as to the mode of application for, and form of, certificates under this Chapter; and

(d) as to the entry of such certificates, and any other prescribed particulars concerning the draught of water and free-board of the ship, in the official log (if

any) of the ship, or other publication thereof on board the ship, and as to delivering copies of such entries.

(2) Rules under clause (a) of sub-section (1) may, with respect to any class or classes of ships,—

- (i) declare what shall be deemed to be seasons of fair weather and seasons of foul weather, respectively, for any of the purposes of the rules, and
- (ii) modify the tables referred to in sub-section (1) of section 39.

(3) All rules intended to be made under this section shall previously be published in draft in such manner as may be prescribed by the Local Government, and shall not be formally promulgated for ninety days at the least after such publication, and all such rules shall, while in force, have effect as if enacted by this Act.

41. Any master of a ship who neglects to cause his ship to be marked as by this Chapter required or to keep her so marked, or who allows the ship to be so loaded that when in perfectly smooth salt-water the centre of the disc is submerged,

and any person who conceals, removes, alters, defaces or obliterates, or suffers any person under his control to conceal, remove, alter, deface or obliterate, any of the lines or marks prescribed by or under this Chapter, except in the event of the particulars thereby denoted being lawfully altered, or for the purpose of escaping capture by an enemy,

shall be liable in respect of each such offence to a fine which may extend to one thousand rupees.

“42. The master of any ship on which any of the marks or lines prescribed for having misleading scribed by or under this marks. Chapter is inaccurately placed so as to be likely to mislead, who does not forthwith cause such inaccuracy to be corrected, shall be liable to a fine which may extend to one thousand rupees.

“43. The provisions of this Chapter as to loading lines shall not apply to ships marked in the United Kingdom and having such lines fixed, marked and certified in accordance with the provisions of the law for the time being there in force, or to ships registered in a British possession and having such lines fixed, marked and certified in accordance with the provisions of an enactment passed by the Legislature of that possession, with respect to which enactment such a declaration as is mentioned in section 3 of the Merchant Shipping Act, 1890, has been made by an Order of Her Majesty in Council and is for the time being in force.”

5. To the said Act the following section shall be added, namely:—

“85. The provisions of this Act for the prevention of the overloading and improper loading of British ships shall apply to foreign ships also when in ports of British India unless such foreign ships, if in ports of the United Kingdom, would be entitled to the benefit of an Order of Her Majesty in Council under section 4 of the Merchant Shipping Act, 1890.”

S. HARVEY JAMES,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 6th August 1891:

NO. 12 OF 1891.

THE PUNJAB MUNICIPAL BILL,
1891.

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SCHEDULE.

A Bill to make better provision for the administration of Municipalities in the Punjab.

WHEREAS it is expedient to make better provision for the administration of municipalities in the Punjab; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be titled, extent and commencement. *2. (1) This Act may be called the Punjab Municipal Act, 1891.*

(2) It extends only to the territories for the time being administered by the Lieutenant-Governor of the Punjab; and

(3) It shall come into force on such day as the Local Government may, by notification in the official Gazette, appoint in this behalf.

2. (1) The Punjab Municipal Act, 1884, is hereby repealed:

(2) But all municipalities constituted, committees established, limits defined, appointments, rules, regulations, byelaws and orders made, notifications and notices issued, taxes, tolls, rates and fees imposed or assessed, contracts entered into and suits instituted under the said Act, or under the Punjab Municipal Act, 1873, or any IVdp

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(*Chapter I.—Preliminary.—Sections 3-4. Chapter II.—Committees.—Sections 5-6.*)

enactment thereby repealed, shall, so far as may be, be deemed to have been respectively constituted, established, defined, made, issued, imposed or assessed, entered into and instituted under this Act.

3. In this Act, unless there is something repugnant in the subject or context,—

(1) "municipality" means any local area declared by or under this Act to be a municipality:

(2) "committee" means a municipal committee established by or under this Act:

(3) "inhabitant" includes any person ordinarily residing or carrying on business, or owning or occupying immoveable property, in any municipality or in any local area which the Local Government has by notification proposed under this Act to declare to be a municipality:

(4) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway:

(5) "owner" includes the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant:

(6) "explosive" and "petroleum" have the meanings assigned to those words in the Indian Explosives Act, 1884, and the Petroleum Act, 1886, respectively:

(7) "animal" means any creature other than a human being: and

(8) "notification" means a notification published by authority of the Local Government or under this Act in the official Gazette: and

(9) "notified" means published as aforesaid.

4. (1) The Local Government may, by notification, propose to declare any town or group of towns, together with any railway-station, village, building or land in the vicinity of any such town, a municipality under this Act:

Provided that no military cantonment or part of a military cantonment shall, without the consent of the Governor General in Council, be comprised in any such notification.

(2) Every such notification shall define the limits of the local area to which it relates.

(3) A copy of every notification under this section, with a translation in such vernacular language as the Local Government directs, shall be affixed in some conspicuous place in the court-house of the District Magistrate within whose jurisdiction the local area to which the notification relates lies, and in one or more conspicuous places in that local area.

(4) The District Magistrate shall certify to the Local Government the date on which the copy and translation were so affixed, and the date so certified shall be deemed to be the date of publication of the notification.

(5) If any inhabitant objects to the notification issued under sub-section (1), he may, within

six weeks from the date of its publication, submit his objection in writing through the District Magistrate to the Local Government, and the Local Government shall take his objection into consideration.

(6) When six weeks from the date of the publication have expired, and the Local Government has considered and passed orders on any such objections which may have been submitted to it, the Local Government may, by notification, declare the local area to be, for the purposes of this Act, a municipality of the first or second class.

(7) A committee shall come into existence at such time as the Local Government may, by notification, appoint in this behalf.

CHAPTER II.

COMMITTEES.

Constitution of Committees.

5. (1) There shall be established for each municipality a committee having authority over the municipality and consisting of such number of members as the Local Government may fix in this behalf.

(2) The members may be appointed by the Local Government either by name or by office, or may be elected from among the inhabitants in accordance with rules made by the Local Government under this Act, or some may be appointed and some elected, as the Local Government directs:

Provided that—

(a) when the Local Government has directed that all or any proportion of the members shall be elected, it shall not thereafter direct that they shall be appointed, unless a majority of the electors declare that they so desire, or for some reason which the Local Government may deem to affect the public interests; and,

(b) unless the Governor General in Council otherwise directs, two-thirds of the members of every committee shall be persons who either have been elected or are not salaried officers of the Government.

(3) When, under a direction issued under sub-section (2), any places on a committee are required to be filled by election, and a sufficient number of members is not elected, the Local Government may fill those places by appointment.

6. (1) If a member of a committee is appointed by office, the person for members. the time being holding the office shall be a member of the committee until the Local Government otherwise directs.

(2) The term of office of all other appointed and elected members of a committee shall be fixed by the Local Government by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(3) An outgoing member may, if otherwise qualified, be again elected or appointed.

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(Chapter II.—Committees.—Sections 7-16.)

7. The Local Government may at any time direct that an office of member with respect to term of a committee which is then of office of appointed members shall in future when vacant be filled by an appointed member, and it may also direct that the tenure of office of the elected member shall cease upon a date appointed in the direction;

and, if the latter direction is given, the said tenure of office shall cease accordingly notwithstanding anything to the contrary in this Act or in the rules thereunder.

8. The Local Government may at any time direct that an office of member with respect to term of a committee then filled by office of elected members, appointment shall in future when vacant be filled by an elected member,

and it may also direct that the tenure of office of the appointed member shall cease upon a date appointed in the direction;

and, if the latter direction is given, the said tenure of office shall cease accordingly notwithstanding anything to the contrary in this Act or in the rules thereunder.

9. The Local Government may at any time fix the number of members of office of certain members. to compose a committee below the number of members then composing the committee, and it may also direct, so far as may be necessary to reduce the number of members to the number fixed, that the tenure of office of any member shall cease upon a date appointed in the direction;

and, if such direction is given, that tenure of office shall cease accordingly notwithstanding anything to the contrary in this Act or in the rules thereunder.

10. (1) A member of a committee who wishes Resignation of member of committee. to resign may forward his written resignation, through the president of the committee, to the District Magistrate within whose jurisdiction the municipality lies.

(2) When the resignation is accepted by the Local Government it shall be deemed complete, and the member shall be deemed to have vacated his office.

Powers of the Local Government as to removal of members.

II. (1) The Local Government may remove any member of a committee—

- (a) if he refuses to act, or becomes, in the opinion of the Local Government, incapable of acting or is declared a bankrupt or an insolvent or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member;
- (b) if he has been declared by notification to be disqualified for employment in the public service;
- (c) if he, without an excuse sufficient in the opinion of the Local Government, neglects for more than three consecutive months to be present at the meetings of the committee;

(d) if his continuance in office is, in the opinion of the Local Government, dangerous to the public peace or order; or,

(e) when he is a salaried officer of the Government, if his continuance in office is, in the opinion of the Local Government, unnecessary or undesirable.

(2) A person removed under this section shall be disqualified for election unless and until the Local Government otherwise directs.

12. (1) When the place of an elected member Filling of casual vacancies. of a committee becomes vacant by the resignation or removal of the member or by his death, a new member shall be elected in accordance with the rules made by the Local Government under this Act to fill the place:

Provided that the Local Government may direct in any such case that the vacancy shall be left unfilled.

(2) When the place of a member of a committee appointed by name becomes vacant as aforesaid, the Local Government may, if it thinks fit, appoint a new member to fill the place.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may, if otherwise qualified, be again elected or appointed.

13. Every committee shall be a body corporate by the name of the municipal committee of its municipality, and shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to the provisions of this Act, to transfer any property held by it, to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

14. A Government officer employed by a committee at the commencement of this Act and from the commencement of the Punjab Municipal Act, 1884, shall not be dismissed from that employment without the sanction of the Local Government.

15. Every member of a committee shall be deemed to be a municipal commissioner within the meaning of every enactment for the time being in force.

President and Vice-President.

16. (1) Every committee shall, from time to time, elect one of its members to be president, and the vice-president. member so elected shall, if the election is approved by the Local Government in the case of a first class committee, and by the Commissioner in the case of a second class committee, become president of the committee:

Provided that the committee, instead of electing a president and submitting his name for approval to the Local Government or the Commissioner, may apply to the Local Government or the Commissioner, as the case may be, to appoint a president from among its members, and

The Punjab Municipal Bill, 1891.

(Chapter II.—Committees.—Sections 17-24.)

that the Local Government may, by notification, exclude any committee from the operation of this sub-section; and that in either of these cases, or if no election is made within one month from the occurrence of a vacancy in the office of president, or if the person elected is not approved, the Local Government or the Commissioner, as the case may be, may, if it or he thinks fit, appoint one of the members of the committee to be president.

(2) Every committee may also, from time to time, elect one or two of its members to be its vice-president or vice-presidents.

(3) A member elected or appointed under this section to be president or vice-president may be elected or appointed by office if he was appointed a member of the committee in the same way.

(4) If a president is elected or appointed by office, or if a vice-president is elected by office, then the person who for the time being holds the office shall be president or vice-president of the committee, as the case may be, during the term fixed under section 17, sub-section (1), for retention of office by a president or vice-president.

17. (1) A president shall hold office for such term, not exceeding three years, as the Local Government may, by rule, fix, and a vice-president shall hold office for such term as the committee may, by rule, fix.

(2) A president or vice-president shall vacate office as such when he ceases to be a member of committee, or tenders in writing to the committee his resignation of his office as president or vice-president; and he may be removed from his office by the Local Government if moved to do so by resolution passed by two-thirds of the members present at a special meeting.

(3) Every resignation of office tendered under this section shall be reported, as soon as may be, to the *District Magistrate*.

18. (1) If a president or vice-president ceases to be a member of the committee, dies, resigns his office or is removed, a new president or vice-president shall be elected or appointed in manner provided by section 16.

(2) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office.

(3) A person going out of office under sub-section (2) may, if otherwise qualified, be again elected or appointed.

19. (1) *The powers and functions of the Local Government under section 5, sub-section (3), section 10, section 12, and section 27, sub-section (2), may be delegated by the Local Government to Commissioners of Division.*

(2) In regard to powers or functions delegated to them under this section, Commissioners of Division shall have the same authority as the Local Government, and the delegation shall continue until revoked by the Local Government.

(3) A delegation under this section may be of all or any of the powers and functions aforesaid, and may be made generally in regard to either all the municipalities, or all the municipalities of a particular class, within the division of the Commissioner, or it may be made particularly in regard to certain municipalities only.

(4) The delegation may be by name or by office.

Notification of Elections and Appointments.

20. Every election and appointment of a member or president of a committee, and every vacancy in the office of member or president arising otherwise than by the expiration of his term of office, shall be notified, in the case of a municipality of the first class, by the Local Government, and, in the case of a municipality of the second class, by the Commissioner of the Division, and no such election or appointment shall take effect until it is so notified.

Conduct of Business.

21. (1) A committee shall meet for the transaction of business at least once in every month meetings. at such time as may, from time to time, be fixed by the rules made under section 27.

(2) The president or, in his absence, a vice-president may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth of the members of the committee, convene either an ordinary or a special meeting at any other time.

22. (1) A meeting of a committee shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules made under this Act to be transacted at a special meeting.

23. (1) The quorum necessary for the transaction of business at a special meeting of a committee shall be one-half of the committee.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a committee shall be such number or proportion of the members of the committee as may, from time to time, be fixed by the rules made under section 28, but shall not be less than three.

Provided that, if at any ordinary or special meeting of the committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting, whether there is a quorum present thereat or not.

24. (1) At every meeting of a committee the Chairman of meeting, if present, shall preside as chairman.

(2) If, when any meeting is held, the office of president is vacant, or the president is absent from the meeting and a vice-president is

*The Punjab Municipal Bill, 1891.**(Chapter II.—Committees.—Sections 25-32.)*

present, the vice-president or, when two vice-presidents are present, the senior of them by date of appointment shall preside as chairman.

(3) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

25. Except as otherwise provided by this Act or by rules made under the vote of majority of this Act, all questions which come before any meeting of a committee shall be decided by a majority of the votes of the members present, the chairman of the meeting, in case of an equality of votes, having a second or casting vote.

26. (1) Minutes of the proceedings at each meeting of committee shall be drawn up and recorded in a book to be kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, shall be published in such manner as the Local Government directs, and shall, at all reasonable times and without charge, be open to the inspection of any inhabitant.

(2) A copy of every resolution passed by a committee at a meeting shall, within three days from the date of the meeting, be forwarded to the *District Magistrate*.

27. (1) Every committee may, from time to time, at a special meeting, make rules consistent with this Act and with any rules made by the Local Government under this Act as to—

- (a) the time and place of its meetings;
- (b) the manner in which notice of ordinary and special meetings and adjourned meetings shall be given;
- (c) the quorum necessary for the transaction of business at ordinary meetings;
- (d) the conduct of proceedings at meetings and the adjournment of meetings;
- (e) the custody of the common seal and the purposes for which it shall be used;
- (f) the person or persons to be primarily responsible for the current executive administration and his or their powers; that is to say, what portion of the executive authority shall be exercised by the president, by a vice-president, by sub-committees, by individual members and by officers or servants of the committee;
- (g) the persons by whom receipts shall be granted on behalf of the committee for money received under this Act;
- (h) the appointment, duties, leave, suspension and removal of its officers and servants;
- (i) the term for which a vice-president shall hold office; and
- (j) all other similar matters.

(2) Subject to the provisions of section 19, a rule made under clause (c) or clause (f) of sub-section (1) shall not take effect unless it has been approved by the Local Government.

(3) Every rule made under this section shall be published in such manner as the Local Government directs.

28. In cases of emergency the president, or in his absence a vice-president, may direct the execution of any work or the doing of any act which the committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be paid from the municipal fund:

Provided that—

- (a) he shall not act under this section in contravention of any order of the committee passed at a meeting; and,
- (b) where he acts under this section, he shall report his proceedings to the next following meeting of the committee.

Joint Committees.

29. A committee may concur with any other joint committee, or with any district board, or with any cantonment authority, or with more than one such committee, board or authority, in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested, and in delegating to any such joint committee any power which might be exercised by either or any of the committees, boards or authorities concerned, and in framing or modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which the joint committee is appointed.

Defects in Constitution and Irregularities.

30. Anything done or any proceeding taken under this Act shall not be questioned on account of any vacancy in a committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

Officers and Servants.

31. (1) Every committee shall, from time to time, at a special meeting, appoint one of its members, or, if the Commissioner consents to its appointing a person not being a member, any other person, to be its secretary, and may, at a like meeting, remove any person so appointed.

(2) A member of a committee appointed as secretary shall receive no remuneration in respect of his services. When any other person is appointed to be secretary, the committee may, with the previous sanction of the Commissioner, assign to him such pay as it thinks fit.

32. Subject to the other provisions of this Act, and to such rules as the Local Government may make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a committee may employ, in addition to its secretary, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to such officers and servants such pay as it thinks fit.

The Punjab Municipal Bill, 1891.

(Chapter II.—Committees.—Sections 33-41.)

33. If, in the opinion of the Commissioner, Power to prevent extravagance in establishing the number of persons employed by a committee as officers or servants, or whom the committee propose to employ as such, or the remuneration assigned by the committee to those persons or any of them, is excessive, the committee shall, on the requirement of the Commissioner, reduce the number of those persons or the remuneration, as the case may be:

Provided that the committee may appeal against any such requirement to the Local Government, and the decision of the Local Government on any such appeal shall be final.

Pensions of Government officials serving committees. 34. In the case of a Government official, a committee may—

(1) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the *Civil Service Regulations* for the time being in force; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the committee, make a contribution on account of his pension or gratuity and leave-allowances in such proportion as may be determined by the Government.

35. In the case of an officer or servant not being a Government official a committee may—

(1) grant him leave-allowances and, if he is not entitled to pension or if his monthly pay is less than ten rupees, a gratuity; and,

(2) if empowered in this behalf by the Local Government,—

(a) subscribe on his behalf for pension or gratuity under the rules of the *Civil Service Regulations* for the time being in force; or

(b) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which under the *Civil Service Regulations* for the time being in force the officer or servant would be entitled if the service had been service under the Government.

Contracts.

36. (1) The committee of a municipality of the first class may, subject to the provisions of this

Authority to contract. Act, delegate to one or more of its members the power of entering on its behalf into any particular contract whereof the value or amount does not exceed five hundred rupees, or into any class of such contracts.

(2) No contract by or in behalf of any committee whereof the value or amount exceeds five hundred rupees shall be entered into until it has been sanctioned at a meeting of a committee.

37. (1) Every contract made by or on behalf of the committee of a municipality of the first class of property, whereof the value or amount exceeds one hundred rupees, and every contract made by or on behalf of the committee of a municipality of the second class whereof the

value or amount exceeds fifty rupees, shall be in writing, and shall be signed by the president or vice-president, and by the secretary if he is a member of the committee, or, if the secretary is not a member of the committee, by another member:

Provided that, when the power of entering into any contract on behalf of the committee has been delegated under the last *foregoing* section, the signature or signatures of the member or members to whom the power has been delegated shall be sufficient.

(2) A transfer of immoveable property belonging to a committee must be made by an instrument in writing, executed by the president or vice-president, and by at least two other members of the committee.

(3) No contract or transfer of the description mentioned in this section executed otherwise than in conformity with the provisions of this section shall be binding on the committee.

38. (1) If any member, officer or servant of a municipal committee or of a joint committee is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with that committee, he shall be deemed to have committed an offence under the Indian Penal Code, section 168.

XLV of 1860.

(2) A person shall not, by reason of being a shareholder in, or a member of, any incorporated or registered company, be held to be interested in any contract entered into between the company and a committee; but he shall not take part in any proceedings of the committee relating to any such contract.

Privileges and Liabilities.

39. No suit shall be instituted against a committee, or against an officer of a committee in respect of an act purporting to be done by him in his official capacity, until the expiration of one month next after notice in writing has been, in the case of a committee left at its office, and in the case of an officer delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such a notice has been so delivered or left:

Provided that this section shall not apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

I of 1877.

40. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a committee, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee; and a suit for compensation for the same may be instituted against him, in such Court as the Local Government directs, by the committee with the sanction of the Commissioner, or by the Secretary of State for India in Council.

Acquisition of Land.

41. Where any land, whether within or without the limits of a municipality, is required for the

*The Punjab Municipal Bill, 1891.**(Chapter III.—Taxation.—Sections 42-45.)*

X of 1870. purposes of this Act, the Local Government may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the committee of the compensation awarded under that Act, and of any other charges incurred in acquiring the land, the land shall vest in the committee.

CHAPTER III.

TAXATION.

General Provisions.

42. (1) Subject to any general rules or special orders which the Governor *Taxes which may be imposed.* General in Council may make in this behalf, and to any rules made by the Local Government under this Act, a committee may, from time to time, for the purposes of this Act, and in the manner by this Act directed, impose in the whole or any part of the municipality any of the following taxes, namely:—

(A) with the previous sanction of the Local Government:—

(a) a tax on buildings and lands—

- (i) not exceeding in any municipality specified in the schedule 10 per cent., and elsewhere 7½ per cent., on the annual value; or
- (ii) not exceeding in any municipality specified in the schedule one anna four pies, and elsewhere one anna, per square yard of the ground area; or
- (iii) not exceeding in any municipality specified in the schedule four rupees, and elsewhere three rupees, per running foot of frontage in streets or bazaars;

(b) a tax on persons practising any profession or art or carrying on any trade or calling in the municipality;

(c) a tax on all or any vehicles, boats, animals used for riding, driving, draught or burden, and dogs, *when the vehicles, boats, animals used as aforesaid, and dogs, are kept within the municipality;*

(d) a tax on vehicles and animals used as aforesaid entering the municipality;

(e) a tax on menial and domestic servants;

(f) an octroi on animals or goods or both brought within the octroi-limits for consumption or use therein; and

(B) with the previous sanction of the Local Government and of the Governor General in Council, any other tax.

(2) In this section "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and, in the case of houses, may be expected to let unfurnished.

Provided that, in the case of land assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, the annual value shall, if the Local Government so directs, be deemed to

be double the aggregate of the following amounts, namely:—

- (a) the amount of the land-revenue for the time being assessed on the land, whether such assessment is leviable or not; or, when the land-revenue has been wholly or in part compounded for or redeemed, the amount which, but for such composition or redemption, would have been leviable; and
- (b) when the improvement of the land due to canal-irrigation has been excluded from account in assessing the land-revenue, the amount of the owner's rate or water-advantage rate or other rate imposed in respect of such improvement.

43. When a committee has, in exercise of the powers conferred by this *House-scavenging.* *Act, undertaken the house-scavenging of any house or building, it may charge the occupier of such house or building, in respect of the house-scavenging done for him, with a tax, imposed in the manner by this Act directed, of such amount or at such rate as it thinks fit.*

44. (1) Besides the taxes mentioned in the *Water-tax.* foregoing sections, a committee, with the previous sanction of the Local Government, may, for the purpose of constructing or maintaining works for the supply of water to the municipality or paying the principal or interest of any loan raised for the construction of such works, impose, in the manner by this Act directed, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

(2) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level; but in fixing it regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water supplied from the works under special contracts, should not exceed the amount required for the said purposes.

45. (1) A committee may, at a special meeting, pass a resolution to *Procedure in imposing taxes.* propose the imposition of any tax under section 42, section 43 or section 44.

(2) When such a resolution has been passed, the committee shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the notice, submit his objection in writing to the committee; and the committee shall, at a special meeting, take his objection into consideration.

(4) If no such objection is received within the said period of thirty days, or if such objection, having been considered as aforesaid, is deemed insufficient, the committee may forward its proposals to the Local Government, with the objections (if any) which have been submitted as aforesaid, and its decision thereupon.

The Punjab Municipal Bill, 1891.

(Chapter III.—Taxation.—Sections 46-52.)

(5) The Local Government, on receiving such proposals, may sanction the same, or refuse to sanction them, or return them to the committee for further consideration.

(6) When the Local Government sanctions any such proposals which require the further sanction of the Governor General in Council, it shall submit the same to the Governor General in Council, with the objections (if any) received through the committee; and the Governor General in Council may sanction the proposals, or refuse to sanction them, or return them to the Local Government for further consideration.

(7) When the proposals of a committee have been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with such proposals.

(8) *In giving such direction the committee shall fix a date on which the tax shall come into force:*

Provided that—

(a) *a tax shall not come into force until its imposition has been notified:*

(b) *a tax shall not come into force less than three months from the date of the meeting at which its imposition is directed:*

(c) *a tax leviable by the year shall come into force on the first day of January or on the first day of April or on the first day of July or on the first day of October in any year; and if it does not come into force on the first day of January, then the tax shall be leviable to the extent of one-twelfth of its annual amount for each month of the period from the date on which it comes into force till the first day of January next ensuing; and from the latter date it shall be leviable in full for the year thereon commencing.*

(g) A notification of the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act.

46. A committee may, by a resolution passed at a special meeting and confirmed by the Local Government, abolish or reduce in amount any tax imposed under the foregoing sections.

47. (1) A committee may exempt, in whole or in part, from the payment of any such tax any person who by reason of poverty may in its opinion be unable to pay the same.

(2) A committee may, by resolution passed at a special meeting and confirmed by the Local Government, and the Local Government may by order, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

48. (1) If at any time it appears to the Local Government, on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in

its incidence or that the levy thereof or of any part thereof is injurious to the interests of the general public, it may require the committee to take within a specified period measures to remove the objection; and, if within that period the requirement is not complied with to the satisfaction of the Local Government, the Local Government may by notification suspend the levy of the tax or of such part thereof until the objection has been removed.

(2) The Local Government may at any time by notification rescind any such suspension.

49. No tax imposed under this Act shall be invalid merely for defect of form; and it shall be enough in any such tax on property or any assessment of value for the purpose of any such tax if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

50. (1) Any tax imposed under the foregoing sections and payable periodically shall be payable on such dates and in such instalments (if any) as the committee with the previous sanction of the *District Magistrate* may, by rule, from time to time direct.

(2) *A tax payable for a year or any other period is said in this Act to be payable by instalments when the period is divided into definite parts in respect of each of which a corresponding part of the tax is payable; but mere payment of such a tax in portions does not constitute payment by instalments unless the portions throughout the period correspond to similar portions of time.*

51. For all sums paid on account of any tax under this Act a receipt, *Receipts to be given.* stating the amount and the tax on account of which it is paid, shall be given by the person receiving the same, on request by the person making the payment.

52. (1) An appeal against the assessment or levy of any tax under this Act shall lie to the *District Magistrate* or to such other officer as may be empowered by the Local Government in this behalf:

Provided that, when the District Magistrate or such other officer as aforesaid is a member of the committee, the appeal shall lie to the Commissioner of the Division.

(2) If, on the hearing of an appeal under this section, any question as to the liability to, or the principle of assessment of, a tax arises, on which the officer hearing the appeal entertains reasonable doubt, he may, either of his own motion or on the application of any person interested, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement with his own opinion on the point for the decision of the Chief Court.

(3) On a reference being made under sub-section (2) the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in Chapter XLVI of the Code of Civil Procedure.

The Punjab Municipal Bill, 1891.

(Chapter III.—Taxation.—Sections 53-58.)

(4) If an appeal is wholly accepted, the officer deciding the appeal may order the committee to pay the reasonable costs of the appellant in making the appeal if the assessment or levy of the tax appears to have been made without reasonable care, but not otherwise;

if an appeal is wholly rejected, the officer deciding the appeal may order the appellant to pay the reasonable costs of the committee in defending the appeal if the appeal appears to have been made without reasonable or proper ground, but not otherwise;

if the appeal is partly accepted and partly rejected, no costs shall be allowed to either party.

(5) Costs awarded under this section to the committee shall be recoverable by the committee as though they were arrears of a tax due from the appellant or under the provisions of section 53, sub-section (3).

(6) If for ten days the committee fails to pay any costs awarded to an appellant, the officer awarding the costs may order the person having the custody of the balance of the municipal fund to pay the amount.

53. (1) No appeal shall lie in respect of a tax on any land or building, unless it is preferred within one month after the publication of the notice prescribed by section 59, and no appeal shall lie in respect of any other tax unless it is preferred within one month from the time when the demand for the tax is made:

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period.

(2) No appeal shall be entertained—

unless the appellant has paid all municipal taxes due from him to the committee other than the tax or portion of the tax in regard to which the appeal is preferred, and

unless before the appeal is preferred the appellant has deposited with the committee a sum equal in amount to the tax or portion of the tax which is in dispute and in regard to which the appeal is made.

(3) After the appeal is decided the committee may apply any sum deposited with them under sub-section (2), first, in payment of any municipal taxes then due or claimable from the appellant, and, secondly, in payment of any costs awarded against the appellant by the officer deciding the appeal. If thereafter there is any balance, it shall be returned to the appellant on his application.

54. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than in this Act is provided.

Taxes on Immoveable Property.

55. (1) The committee shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared, containing—

- (a) the name of the street or division in which the property is situated;
- (b) the designation of the property, either by name or by number, sufficient for identification;
- (c) the names of the owner and occupier, if known;
- (d) the annual value, area or length of frontage on which the property is assessed; and
- (e) the amount of the tax assessed thereon by the committee.

(2) For the purpose of preparing the list the committee may require the owners or occupiers of the buildings or lands to furnish it with the returns of the measurements and of the rent or annual value.

56. When the assessment-list has been completed, the committee shall

Publication of notice of assessments. give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, or the agent of any such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

57. (1) The committee shall at the same time

Public notice of time fixed for revising assessment-list. give public notice of a time, not less than one month from the publication of the notice, when it will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

(2) All objections to the valuation and assessment shall be made in writing before the time fixed in the notice or orally or in writing at that time.

58. (1) After the objections have been

Settlement of list. required into and the persons making them have been allowed an opportunity of being heard either in person or by authorized agent as they think fit and the revision of the valuation and assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the year commencing on the first day of January next ensuing, as also for the period between the certification and such first day of January, unless the tax for such period is already payable under an assessment previously made.

(2) The list when amended under this section shall be deposited in the committee's office and shall there be open during office-hours to all owners or occupiers of property comprised therein, or the agents of such persons, and a public notice that it is so open shall forthwith be published.

*The Punjab Municipal Bill, 1891.**(Chapter III.—Taxation.—Sections 59-65.)*

59. (1) The committee may at any time amend the list by inserting the name of any person of assessment-list, whose name ought to be inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been insufficiently valued or assessed through mistake, oversight or fraud, after giving notice, to any person interested in the amendment, of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent, as he thinks fit.

60. It shall be in the discretion of the committee to prepare a new assessment-list every year, or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same notice of the valuation and assessment as if a new assessment-list had been prepared.

61. (1) When a tax payable under section 42, sub-section (1), division (A), clause (a), or under section 44, is payable in one sum in respect of an entire year, and the property in respect of which it is payable is property which is not occupied, used or rented throughout the year, or when such a tax is payable in instalments and the property is property which is not occupied, used or rented throughout the period in respect of which an instalment is payable, the amount payable in respect of such property for the year or the instalment, as the case may be, shall be remitted:

Provided that it shall be in the discretion of the committee to direct by public notice that no remission shall be granted unless notice in writing of the circumstances under which the remission is claimed has been given to it within such time from the beginning of the year or of the period, as the case may be, as it may from time to time fix in this behalf.

(2) When a tax payable under section 42, sub-section (1), division (A), clause (a), or under section 44, is payable by the year in respect of property—

- (a) which has been only partially occupied, used or rented during the year for which the tax is leviable, or
- (b) which is wholly or in greater part demolished or destroyed by fire or otherwise,

the committee may remit such portion (if any) of the tax as it thinks equitable.

(3) For the purposes of this section the presence of a caretaker does not constitute occupation, and the mere retention in an unoccupied dwelling-house of the furniture habitually used in it does not constitute use of the house.

62. (1) A tax payable under section 42, sub-section (1), division (A), clause (a), shall be paid by the owner of the property in respect of which it is payable.

(2) A tax payable under section 44 shall be paid by the occupier of the property in respect of which it is payable.

63. (1) When any sum is due on account of a tax payable under this Act in respect of any property by the owner thereof, the committee shall cause a bill for the amount, stating the property and the period for which the charge is made, to be presented to the person liable to pay the same.

(2) If the bill is not paid within ten days from the presentation thereof, the committee may cause a notice of demand to be served on that person; and, if he does not, within seven days from the service of the notice, pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment, the sum due, with the fee, shall be deemed to be an arrear of tax.

(3) The amount of every such arrear, besides being recoverable in any other manner provided by this Act, shall, subject to any claim on behalf of Her Majesty, be a first charge on the property in respect of which it is payable, and shall be recoverable, on application made in this behalf by the committee to the Collector, as if the property were an estate assessed to land-revenue and the arrear were an arrear of such revenue due thereon:

Provided that nothing in this sub-section shall authorize the arrest of a defaulter.

Octroi and Tolls.

64. If any person, bringing or receiving a conveyance or package within the octroi-limits of a municipality in which octroi is leviable, refuses, on the demand of an officer authorized by the committee in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before any Magistrate or member of the committee, who shall cause the inspection to be made in his presence.

65. Every person bringing or receiving within the octroi-limits of any municipality any article on which octroi is payable shall, when required by an officer authorized by the committee in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable, —

- (a) permit that officer to inspect, examine, weigh and otherwise deal with the article; and
- (b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article.

The Punjab Municipal Bill, 1891.

(Chapter III.—*Taxation.*—Sections 66-70. Chapter IV.—*Municipal Fund and Property.*—Sections 71-72.)

66. Every officer demanding octroi by the authority of the committee shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated.

67. (1) In case of non-payment of any octroi or of any toll on demand, Recovery of octroi and tolls. the officer empowered to collect the same may seize any article on which the octroi is chargeable, or any vehicle or animal on which the toll is chargeable, or any part of its burden of sufficient value to satisfy the demand.

(2) The committee may cause any property so seized, or so much thereof as is necessary, to be sold by auction to satisfy the demand, with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid, after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale:

Provided that, by order of the president or a vice-president, articles of a perishable nature which could not be kept for five days without serious risk of damage may be sold after the lapse of such shorter time as he may, having regard to the nature of the articles, think proper.

68. The collection of any octroi or toll may be leased by the committee, with the previous collection of octroi or tolls. sanction of the Commissioner, for any period not exceeding one year; and the lessee and all persons employed by him in the management and collection of the octroi or toll shall in respect thereof—

- (a) be bound by any rules made by the committee for their guidance;
- (b) have such powers exercisable by servants of a committee under this Act as the committee may, from time to time, confer upon them; and
- (c) be entitled to the same remedies and be subject to the same responsibilities as if they were employed by the committee for the management and collection of the octroi or toll.

69. If goods passing the octroi-boundary of a municipality are liable to payment of octroi, then any person who, with the intention to defraud the municipal committee or their lessee for the collection of octroi, causes or abets the introduction of, or himself introduces or attempts to introduce, within the said octroi-boundary any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered shall be punishable with fine which may extend either to ten times the value of such octroi or to fifty rupees.

70. (1) The committee may, by written communication, call upon any inhabitant of the municipality to furnish such information as may be necessary in order to ascertain whether such inhabitant is liable to pay any municipal tax.

(2) If any inhabitant so called upon to furnish information omits to furnish it or furnishes information which is untrue, he shall be punishable with fine which may extend to twenty rupees.

CHAPTER IV.**MUNICIPAL FUND AND PROPERTY.**

71. There shall be formed for each municipality a municipal fund, and there shall be placed to the credit thereof—

- (a) all sums received by or on behalf of the committee under this Act or otherwise;
- (b) all fines realized in cases in which prosecutions for offences committed within the municipality are instituted under this Act or the rules thereunder or under section 34 of Act V of 1861 or under the *Prevention of Cruelty to Animals Act, 1890*; and
- (c) the balance (if any) standing at the credit of the municipal fund of the municipality at the commencement of this Act.

72. (1) The committee shall set apart and apply annually out of the Application of fund. municipal fund—

- (a) *first*, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;
- (b) *secondly*, such sum as may be required to meet the charges of its own establishment, including such subscriptions and contributions as are referred to in sections 34 and 35, and such sum as may be required for the maintenance of a police-establishment under Chapter V;
- (c) *thirdly*, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality and as ought, in the opinion of the Local Government, to be paid by the committee, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the Provincial Departments for Education, Sanitation Vaccination, Medical Relief and Public Works as may be held by the Local Government to be equitably debitable to the committee in return for services rendered to it by these Departments.

(2) Subject to the charges specified in sub-section (1) and to such rules as the Local Government may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the municipality, and with the sanction of the Commissioner outside the municipality, namely:—

- (a) the construction, maintenance, improvement, cleansing and repair of public streets, bridges, embankments, drains, latrines, tanks and water-courses;
- (b) the watering and lighting of such streets or any of them;
- (c) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for

The Punjab Municipal Bill, 1891.

(Chapter IV.—Municipal Fund and Property.—Sections 73-78.)

the promotion of education or for the benefit of the public health, and of rest-houses, sarais, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;

- (d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper-asylums and other educational or charitable institutions;
- (e) the training of teachers and the establishment of scholarships;
- (f) the giving of relief and the establishment and maintenance of relief-works in time of famine or scarcity;
- (g) the supply, storage and preservation from pollution of water for the use of men or animals;
- (h) the planting and preservation of trees;
- (i) the taking of a census, the registration of births, marriages and deaths, public vaccination and any other sanitary measure;
- (j) the holding of fairs and industrial exhibitions; and
- (k) all acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants or expenditure whereon may be declared by the committee, with the previous sanction of the Local Government, to be an appropriate charge on the municipal fund.

73. *With the sanction of the Local Government a salary of such amount as the Local Government may fix may be paid to the president of a committee out of the municipal fund.*

74. (1) *In places where there is a Government treasury or sub-treasury or a bank to which the Government treasury business has been made over, the municipal fund shall be kept in the treasury, sub-treasury or bank.*

(2) *In places where there is no such treasury sub-treasury or bank, the municipal fund may be deposited with any banker, or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the Commissioner may in each case think sufficient.*

75. (1) *A committee may, from time to time, with the previous sanction of the Commissioner, invest any portion of its municipal fund in securities of the Government of India or such other securities as the Governor General in Council may approve in this behalf, and vary such investments for others of a like nature.*

(2) *The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund.*

76. *Subject to any special reservation made by the Local Government, all property of the nature hereinafter in this section*

specified and situated within the municipality shall be vested in and belong to the committee, and shall, with all other property which may become vested in the committee, be under its direction, management and control, and shall be held and applied by it for the purposes of this Act, that is to say:—

- (a) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots and public buildings of every description which have been constructed or are maintained out of the municipal fund;
- (b) all public streams, springs and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;
- (c) all public sewers and drains, and all sewers, drains, culverts and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto;
- (d) all dust, dirt, dung, ashes, refuse, animal-matter or filth or rubbish of any kind, or dead bodies of animals, collected by the committee from the streets, houses, privies, sewers, cesspools or elsewhere or deposited in places fixed by the committee under section 97;
- (e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;
- (f) all land or other property transferred to the committee by the Government or by gift, purchase or otherwise for local public purposes;
- (g) all streets, and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

77. (1) *The management, control and administration of every public institution maintained out of the municipal fund shall vest in the committee:*

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Local Government.

(2) *When any public institution is placed under the direction, management and control of the committee, all property, endowments and funds belonging thereto shall be held by the committee in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed.*

78. *The committee may, with the sanction of the Local Government, transfer to Her Majesty any property vesting in the committee under section 76 or section 77, but not so as to affect any trusts or public rights subject to which the property is held.*

*The Punjab Municipal Bill, 1891.**(Chapter V.—Municipal Police.—Sections 79-84. Chapter VI.—Powers for Sanitary and other Purposes.—Sections 85-86.)*

CHAPTER V.

MUNICIPAL POLICE

79. (1) Every committee shall, unless it is relieved of this obligation by Police-establishment, lieved of this obligation by the Local Government, maintain a sufficient police-establishment for police requirements within municipal limits and for the performance of the duties imposed on it by this Act.

(2) The establishment maintained under subsection (1) shall, as the committee with the approval of the Local Government may, from time to time, determine, be either a body of watchmen or a part of the general police-force under the Local Government within the meaning of section 2 of Act V of 1861, or partly one and partly the other; and it shall consist of such number of officers and men, and the officers and men shall receive such pay, leave-allowances, gratuities and pensions, as the committee may from time to time, after consultation with the *District Magistrate* and the Inspector General of Police, and subject to the final decision of the Local Government, direct.

80. (1) The Local Government may relieve any committee of the whole or part of the cost of the police-establishment, and may enter into a contract with the committee, on such terms as may be agreed on, that, in consideration of such relief, the committee shall pay periodically a sum not exceeding the amount thereof or undertake any services within the municipality to which the municipal fund can properly be applied, and which are estimated to cost not more than the amount of the relief.

(2) When a committee is relieved under this section of the whole or part of the cost of the police-establishment which it is required to maintain, the Local Government shall maintain such police-establishment as it considers necessary, and the establishment so maintained may be either a body of watchmen or a part of the general police-force under the Local Government within the meaning of section 2 of Act V of 1861, or partly one and partly the other.

81. (1) If the establishment maintained under this Chapter is wholly or in part a body of watchmen, the watchmen—

- (a) shall be under the orders of the District Superintendent of Police subject to the general control of the *District Magistrate*;
- (b) shall be appointed and promoted, and shall be liable to dismissal, suspension, reduction or fine, under such rules as the Local Government may make in this behalf;
- (c) shall perform such duties as the Local Government may, subject to the provisions of this Act, direct; and
- (d) shall possess the same powers, be entitled to the same assistance, enjoy the same protection, be subject to the same responsibilities and be liable to the same penalties as if they were police-officers enrolled under Act V of 1861.

(2) Any person obstructing any such watchman in the discharge of his duties may be

arrested without warrant by a police-officer or by any such watchman.

82. If the establishment maintained under this Chapter or any portion thereof is part of the general police-force, the Local Government may, notwithstanding anything contained in Act V of 1861 or in any other Act for the time being in force, define, subject to the provisions of this Act, the duties which the officers and men of the establishment or such portion thereof may or may not be required to perform.

83. (1) Every member of a police-establishment under this Act shall give immediate information to the committee of any offence committed against this Act or the rules made thereunder, and shall be bound to assist all members, officers and servants of the committee in the exercise of their lawful authority.

(2) Every member of such police-establishment may arrest any person committing in his view any offence against this Act or the rules thereunder—

- (a) if the name and address of the person are unknown to him, and
- (b) if the person declines to give his name and address or if there is reason to doubt the accuracy of the name and address if given.

(3) A person arrested under this section may be detained until his name and address are correctly ascertained:

Provided that no person so arrested shall be detained longer than is necessary for bringing him before a Magistrate unless the order of a Magistrate for his detention is obtained.

84. When special police-protection is, in the opinion of the Local Government, requisite on the occasion of any fair, agricultural show or industrial exhibition managed by a committee, the Local Government may provide such protection, and the committee shall pay the whole charge thereof or such portion of the charge as the Local Government may consider equitably debitable to it.

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

85. When any land is required for a new street or for the improvement of an existing street, for building-sites adjoining new streets, the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

86. The committee may close temporarily any street vested in it or any part thereof, for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and

*The Punjab Municipal Bill, 1891.**(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 87-93)*

may divert, discontinue or permanently close any such street, and sell the land or such part thereof as is not required for the purposes of this Act.

87. The committee may grant permission in writing for the temporary occupation of any street or land vested in it for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

88. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

89. (1) The committee may cause a name to be given to any street, and to be affixed on any building in such place as it thinks fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

(2) Whoever destroys, pulls down or defaces any such name or number, or puts up any different name or number from that put up by order of the committee, shall be punishable with fine which may extend to twenty rupees.

90. The committee may direct that, within certain limits, to be fixed by walls not to be made of inflammable materials, the roofs and external walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other highly inflammable materials unless with the permission of the committee in writing; and the committee may, by written notice, require any person who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit.

91. (1) If any building or part of a building projects beyond the regular line of a street, either existing or determined on for the future, or beyond the front of the building on either side thereof, the committee may, whenever the building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require the building or part, when being re-built, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the street and shall vest in the committee:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(2) The committee may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

92. (1) Any person intending to erect or re-erect any building shall, if required to do so by rule made by the committee in this behalf, give notice in writing of his intention to the committee, and shall obey all written directions consistent with this Act given by the committee within two months after receiving such notice, either prohibiting the erection or re-erection if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely:—

- (a) free passage or way in front of the building;
- (b) space to be left about the building to secure free circulation of air and facilitate scavenging and for the prevention of fire;
- (c) ventilation, and the provision and position of drains, privies or cesspools;
- (d) level and width of foundation, level of lowest floor and stability of structure; and
- (e) the line of frontage with neighbouring buildings, if the building abuts on a street:

Provided that the committee shall make full compensation to the owner for any damage which he may sustain in consequence of the prohibition of the re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(2) Any person giving notice to the committee under sub-section (1) shall, if required to do so by rule made by the committee in this behalf, along with his notice forward a plan and specification of the building which he intends to erect or re-erect of such a character and with such details as the committee may by rule prescribe. No notice under sub-section (1) shall be valid unless accompanied by such plan and specification as may be required under this sub-section.

(3) In any case to which sub-section (2) does not apply the committee may require a person who gives them notice under sub-section (1) to submit within one week of the receipt of the requisition a sufficient plan and specification of the building which he intends to erect or re-erect with such reasonable details as the committee may prescribe in their requisition.

(4) If any such building is begun or erected without giving notice, or without submitting a plan and specification as aforesaid when required, or in contravention of the legal orders of the committee issued within two months of receipt of notice under sub-section (1), the committee may, by notice, require the building to be altered or demolished, as it may deem necessary.

93. (1) The committee may at a special meeting make rules to regulate in the erection or mode of construction of any building within the municipality—

- (a) the materials and method of construction to be used for external and party walls, roofs, floors, fire-places and chimneys;

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- (b) the position of fire-places, chimneys, drains, privies and cesspools;
- (c) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;
- (d) the number and height of the storeys of which the building may consist; and
- (e) the means to be provided for egress from the building in case of fire;

Provided that the committee may by resolution dispense with the observance of any or all of the rules made under this section in regard to the erection or re-erection of any building specified in the resolution.

(2) If in and during the erection or re-erection of any building any rule under this section is contravened, the committee may by notice require the building to be altered or demolished within the space of thirty days as it may deem necessary:

Provided that no such notice shall issue in respect of the contravention of any rule of which the observance has been dispensed with under the proviso to sub-section (1).

(3) This section shall take effect in a municipality only after it has been specially extended thereto by the Local Government at the request of the committee.

94. The expression "erect any building", as used in the two last foregoing sections, includes, among other matters, all additions and alterations which involve new foundations or increased superstructure on existing foundations, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

95. (1) It shall not be lawful, unless with the written permission of the committee, for the owner or occupier of any building abutting on a street to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on the street or into or on any drain, sewer or aqueduct therein.

(2) The committee may, by notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof if the same overhangs or projects into or encroaches on any public street, or projects into or encroaches on any drain, aqueduct or sewer in the street:

Provided that, in the case of a projection, encroachment or obstruction being lawfully in existence at the time of the passing of this Act, the committee shall make reasonable compensation to any person who suffers damage by the removal or alteration.

(3) The committee may give written permission to the owners or occupiers of buildings in streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the written permission.

Bathing and Washing Places.

96. The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or washing animals or clothes, in any public place not so set apart, or at times or by persons other than those specified, and all other acts not so permitted by which water in public places may be rendered foul or unfit for use.

Deposit of Offensive Matter and Slaughter-places.

97. The committee may fix places within or without the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

98. (1) The committee may, with the approval of the District Magistrate, fix and abolish places either within or without the limits of the municipality for the slaughter of animals for sale, or of any specified description of such animals, and may with the like approval grant and withdraw licenses for the use of such places, or, if they belong to the committee, charge rent or fees for the use of the same.

(2) When such places are fixed by the committee beyond municipal limits it shall have the same power to make rules for the inspection and proper regulation of the same as if they were within those limits.

(3) When any such place has been fixed, no person shall slaughter any such animal for sale within the municipality at any other place.

(4) Whoever slaughters any such animal for sale at any other place within the municipality shall be punishable with fine which may extend to twenty rupees.

99. (1) The committee may make rules to fix places within the municipality in which the slaughter of animals of any particular kind not for sale shall be permitted and to prohibit, except in case of necessity, such slaughter elsewhere within the municipality:

Provided that no rules under this section shall apply to animals slaughtered for any religious purpose.

(2) This section shall take effect in a municipality only after it has been specially extended thereto by the Local Government at the request of the committee.

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100. (1) If an animal in charge of any person dies otherwise than by *Special provision with respect to disposal of dead bodies of animals.* slaughter either for sale or for some religious purpose, the person in charge thereof shall within twenty-four hours—

- (a) convey the carcase to a place (if any) fixed by the committee under section 97 for the disposal of the dead bodies of animals, or
- (b) give notice of the death to the committee, whereupon the committee shall cause the carcase to be disposed of.

(2) A person bound to act in accordance with sub-section (1) shall, if he fails so to act, be punishable with fine which may extend to ten rupees.

(3) In respect of the disposal of the dead body of an animal under clause (b) of sub-section (1) the committee may charge such fee as the committee, with the sanction of the Commissioner, may, by rule, have prescribed.

Burial and Burning Places.

101. (1) The committee may, by public notice, order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood, to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(2) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf.

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owners thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed, after the passing of this Act, without the permission in writing of the committee.

(4) If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to fifty rupees.

102. The committee may, by public notice, prescribe routes for the removal of corpses, removal of corpses to burial or burning places.

Inflammable Materials.

103. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting wood, dry grass, straw or other inflammable materials, or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

104. In any municipality to which section 93 has been specially extended by the Local Government the committee

may by public notice prohibit the lighting of fires in the top storey of any building or the placing in positions which the committee deems to be dangerous to the public safety of stands for lamps and candles.

105. The committee may, by public notice, prohibit the storage of more than a fixed maximum quantity of petroleum, explosive, spirit, naphtha or other inflammable material in any building not licensed under section 135.

Powers of Entry and Inspection.

106. (1) The committee, by any person authorized by it in this behalf, *Inspection of drains, privies and cess-pools.* may, between sunrise and sunset, enter into any building or upon any land, and inspect any drains, privies or cesspools therein or thereon, and may cause the ground to be opened where such person as aforesaid may think fit for the purpose of preventing or removing any nuisance arising from the drains, privies or cesspools.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it is found that no nuisance exists, or but for such opening would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the committee.

(3) Entry into a building other than a latrine shall not be made under this section until six hours' notice in writing has been given to the occupier of the building by the committee or by the person authorised by the committee to make the entry.

107. (1) The committee, by any person authorized by it in this behalf, *Power to enter and inspect buildings.* may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier to the owner, of any building, at any time between sunrise and sunset enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

(2) In this section the word "building" means either a building or a part of a building.

(3) If the building to be inspected is a stable for horses or a house or shed for cows or other cattle, previous notice shall not be requisite before inspection.

108. The committee, by any person authorised by it in this behalf, *Other powers of entry on buildings or land.* after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building or land, may at any time between sunrise and sunset—

- (a) enter on and survey and take levels of any land;
- (b) enter, inspect and measure any building for the purpose of valuation;

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(c) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains or of executing or repairing any work which it is by this Act empowered to execute or maintain.

109. The committee, by any person authorised by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Act for which a license has not been duly taken out.

110. The committee, by any person authorised by it in this behalf, may at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for man, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, animal or drug which may be therein; and, if any article of food or drink or any animal therein appears to be intended for the consumption of man and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption;

and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal.

House-scavenging.

111. (1) *The removal of filth, rubbish, ordure or other offensive matter from a privy, cesspool or other common receptacle for such matter in or pertaining to a house or building is called house-scavenging.*

111. (2) *The committee may, by public notice, undertake the house-scavenging of any houses or buildings in the municipality from any date not less than sixty days after issue of the notice.*

111. (3) *The occupier of any house or building affected by the notice may at any time after the issue thereof apply to the committee to exclude that house or building from the notice.*

111. (4) *The committee shall consider and pass orders upon every such application within forty days of the receipt thereof, and, if the decision of the committee upon the application is that the house or building be excluded from the notice, the notice shall cease to apply to such house or building.*

111. (5) *In deciding whether to exclude any house or building from the notice the committee shall consider, among other matters, the efficiency of the arrangements for house-scavenging made by the occupier (if any) and the purpose to which he applies the matter dealt with in house-scavenging.*

112. *Notwithstanding anything in the last Savings in favour of foregoing section, the customary sweepers committee shall not, except in and of agriculturists. accordance with the provisions of this Chapter,—*

(a) *undertake the house-scavenging of any house or building if any sweeper has a customary right to do such house-scavenging;*

(b) *otherwise than on the application or with the consent of the occupier, undertake the house-scavenging of any house or building occupied by an agriculturist who himself cultivates land within municipal limits or in a village contiguous therewith.*

113. *Subject to the provisions of the last Undertaking by committee of house-scavenging on application or with consent. foregoing section with respect to the customary rights of sweepers, the committee may at any time undertake the house-scavenging of any house or building on the application of or with the consent of the occupier.*

114. *When once the committee has undertaken the house-scavenging of any house or building taken by committee. under this Chapter, it may continue to perform such house-scavenging with or without the consent of the person who for the time being occupies such house or building.*

115. *When the committee has undertaken the house-scavenging of any house or building it shall be bound to perform the same properly unless it has relieved itself of the obligation by an order under section 111, sub-section (4).*

116. *The servants of the committee employed Powers of municipal servants for house-scavenging may at all reasonable times do all scavenging purposes. things necessary for the proper performance of any house-scavenging undertaken by the committee.*

117. *All matter removed by the servants of the committee in the course of collections from house-scavenging shall belong to the committee.*

118. (1) *If a sweeper who has a customary right to do the house-scavenging of a house or building (hereinafter called the customary sweeper) fails to perform such house-scavenging in a proper way and at reasonable intervals, the occupier of the house or building or the committee may complain to a Magistrate.*

118. (2) *The Magistrate receiving such complaint shall hold an enquiry, and, if it appears to him that the customary sweeper has failed to perform the house-scavenging of the house or building in a proper way or at reasonable intervals, he may impose upon such customary sweeper a fine which may extend to ten rupees, and, if the customary sweeper has already been fined under this section in regard to the house-scavenging of the same house or building, the Magistrate may also direct the right of the customary sweeper to do the house-scavenging of the house or building to be forfeited.*

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(3) If such a direction is given, the right shall be forfeited accordingly unless the order of the Magistrate is cancelled on appeal or revision.

119. (1) If an agriculturist who himself cultivates land within municipal limits or in a village conterminous therewith fails to provide for the proper house-scavenging of any house or building occupied by him, the committee may complain to a Magistrate.

(2) The Magistrate receiving the complaint shall hold an enquiry, and, if it appears to him that the agriculturist has not provided for the proper house-scavenging of the house or building, he may pass an order empowering the committee to undertake the same.

(3) On issue of such an order the committee shall be entitled to undertake such house-scapenging.

*Search for inflammable or explosive material
in excess of authorized quantity.*

120. (1) The committee may at any reasonable time, by any person authorised by it in writing in this behalf, enter upon and inspect any house or building which is suspected to contain petroleum, explosive or other inflammable material, in excess of the quantity permitted to be kept in such house or building under the provisions of this Act or of any rule or public notice made or published thereunder.

(2) If the person making an inspection under this section discovers any such excess quantity of such material, he may seize such excess and hold it subject to such order as a Magistrate, upon the application of such person, may pass with respect to it.

(3). If the Magistrate decides that the material seized was stored in the house or building contrary to the provisions of this Act or of any rule or public notice made or published thereunder, he shall pass an order confiscating the same, and his order shall not be open to appeal.

(4) An order of confiscation under this section shall not operate to prevent any other criminal or civil proceedings to which the person storing the material in excessive quantity may be liable.

Water-pipes, Privies and Drains.

121. The committee may, by notice, require the owner of any building for rain-water, or land in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the building or land and for discharging the same so as not to inconvenience persons passing along the street.

122. (1) The committee may, by notice, require the owner of any building or land to close and the like, or remove, or provide, any drain, privy, cesspool or other receptacle for filth, or to provide any additional drains, privies, cesspools or other receptacles as aforesaid which should in its opinion be provided for the building or land, in such manner as the committee directs.

(2) The committee may, by notice, require any persons employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(3) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee directs, any door or trapdoor of a privy opening on to any street or drain.

123. (7) The committee may, by notice, repair and closing require the owner or occupier of drains, privies and cupier of any building or cesspools, land to repair or alter and put in good order any drain, privy or cesspool, or to close any cesspool belonging thereto.

(2) The committee may by notice, require any person who constructs any new drain, privy or cesspool without its permission in writing or contrary to its directions or regulations or to the provisions of this Act, or who constructs, rebuilds or opens any drain, privy or cesspool which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy or cesspool, or to make such alteration therein as it thinks fit.

124. The committee may, by notice, require any person who without its permission in writing newly erects or rebuilds any building over any sewer, drain, culvert, water-course or water-pipe vested in the committee to pull down or otherwise deal with the same as it thinks fit.

Unauthorized buildings over drains, &c.

125. The committee may, by notice, require any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week.

126. The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private well, tank, reservoir, pool, depression or excavation therein, which appears to the committee to be injurious to health or offensive to the neighbourhood :
Power to require removal of nuisance arising from tanks and the like.

Provided that, if for the purpose of effecting any drainage under this section it is necessary to acquire any land not belonging to the person who is required to drain his land or to pay compensation to any other person, the committee shall provide the land or pay the compensation.

Dangerous Buildings and Places.

127. If any building, or any well, tank, reservoir, pool, depression or excavation is, for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice, require the Power to require buildings, wells, tanks, &c., to be secured.

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owner or occupier thereof to repair, protect or enclose the same ; and, if it appears to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps as are necessary to avert the danger.

128. If any building, wall, structure or anything affixed thereto is ruinous or dangerous deemed by the committee to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall or structure as the committee considers necessary for the public safety ; and, if it appears to it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Buildings and Grounds in Unsanitary Condition.

129. The committee may, by notice, require the owner or occupier of any land to clear away and remove any thick vegetation or undergrowth which appears to the committee to be injurious to health or offensive to the neighbourhood.

130. The committee may, by notice, require the owner or occupier of any land within three days to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon which overhang any street and obstruct the same or cause danger thereto, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

131. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

132. If any building or any part of any building appears to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or other sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation or suffering it to be so used, until the committee is satisfied that it has been rendered fit for such use.

133. The committee may, by notice, require the owner or part-owner, or person claiming to be the owner or part-owner, of any building or land which, by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

134. (1) The Local Government may, on the Cultivation, use of report of the Sanitary manure or irrigation, Commissioner or of the injurious to health, after Civil Surgeon that the prohibition. cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of any municipality is injurious to the health of persons dwelling in the neighbourhood, by notification prohibit the cultivation of the crop, the use of the manure or the irrigation so reported to be injurious, or regulate it by imposing such conditions thereon as may prevent the injury :

Provided that when on any land to which the notification applies that description of crop has been cultivated, that kind of manure has been used, or irrigation has been practised in that manner during the five years preceding the notification with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested in that land for any damage caused to them by the prohibition or regulation.

(2) If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under sub-section (1), he shall be punishable with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Offensive and Dangerous Trades.

135. (1) The owner or occupier of every place within the municipality used for any of the following purposes, namely :—

melting tallow ;
boiling bones, offal or blood ; or
as a soap-house, oil-boiling house, dyeing-house or tannery ; or
as a brickkiln, pottery or limekiln ; or
as any other manufactory or place of business from which offensive or unwholesome smells arise ; or

as a yard or dépôt for trade, in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material ; or

as a store-house for petroleum or any explosive or spirit, or for naphtha or any inflammable oil ;

shall register the same in a book to be kept by the committee for the purpose.

(2) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(3) The license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(4) The committee may charge fees for such licenses, and may impose such conditions in respect thereof as it may think necessary.

(5) Whoever, without such registration or without a license, uses any place for any such purpose shall be punishable with fine which may extend to fifty rupees, and with further

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fine not exceeding ten rupees for every day during which the offence is continued after he has been convicted of such offence.

(6) The owner or occupier of any place registered under sub-section (1) may, for the avoidance of the effect of a prohibition under section 105 or for any other purpose, apply to have that place licensed under this section. The provisions of sub-sections (3) and (4) shall apply to such an application, and if the license is granted the registration of the place shall thereby be cancelled and shall not be renewed.

136. (1) If it is shown to the satisfaction of the committee that any Power to prohibit place registered or licensed under the last preceding section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice, require the occupier thereof to discontinue the use of the place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

(2) Whoever, after such notice has been given, uses the place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punishable with fine which may extend to two hundred rupees and with further fine not exceeding forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Regulation of manufacture, preparation and sale of food and drink.

137. (1) The committee may, from time to time, at a special meeting, make rules—
Power for committee time, at a special meeting, to regulate manufacture, preparation and sale of food and drink.

- (a) to prohibit the manufacture or preparation for sale of any specified articles of food or drink in any premises not licensed by the committee;
- (b) to regulate the grant and withdrawal of licenses to premises for the manufacture or preparation for sale of such specified articles of food or drink;
- (c) to regulate the hours and manner of transport within the municipality of any specified articles of food or drink;
- (d) to fix the places in which any specified article of food or drink may be sold or exposed for sale or the places in which it may not be sold or exposed for sale:

Provided that if, when rules are made under this section, any person is carrying on the manufacture or preparation for sale or the sale of any article of food or drink in premises in which such manufacture or preparation for sale, or such sale, is not permissible under such rules, then such person shall not be punishable for breach of such rules until he has received from the committee six months' notice in writing to discontinue such manufacture or preparation for sale, or such sale, in such premises.

(2) This section shall take effect in a municipality only after it has been specially extended thereto by the Local Government at the request of the committee.

Dangerous Animals.

138. (1) A committee, by any person authorised by it in this behalf, Destruction of mad may destroy or cause to be dogs. destroyed any dog suffering from rabies or suspected to be suffering from rabies.

(2) No damages shall be payable in respect of a dog destroyed under this section.

139. With the previous sanction of the Local Muzzling of dogs. Government, a committee may, by public notice, require all dogs in streets to be muzzled during any period not exceeding six months.

Restraint of Infection.

Information to be given of cholera or small-pox.

140. Whoever—

- (a) being a medical practitioner or a person openly and constantly practising the medical profession and becoming cognisant of the existence of cholera or small-pox in any private or in any public dwelling other than a public hospital, or, in default of such medical practitioner or person practising the medical profession,
- (b) being the owner, grantee or occupier of such private or public dwelling, as the case may be, and being cognisant of the existence of cholera or small-pox therein, or in default of such owner, grantee or occupier,
- (c) being the person in charge of or in attendance on any person suffering from cholera or small-pox in such private or public dwelling, and being cognisant of the existence of the disease therein, fails by himself or by any inmate of such dwelling as aforesaid, or by a servant or other person, to give information or gives false information to the committee, or to some person appointed by the committee in this behalf, respecting the existence of such disease, shall be punishable with fine which may extend to fifty rupees:

Provided that, if a person is not required to give information in the first instance, but only in default of some other person, he shall not be punishable if it is shown that he had reasonable cause to suppose that the information had been duly given.

Removal to hospital of cholera and small-pox patients. 141. If a person is suffering from cholera or small-pox, and

- (a) is without proper lodging or accommodation, or
- (b) is living in a sarai or other public hostel, or
- (c) is living in a room or house which he neither owns nor pays rent for, or
- (d) is lodged in premises occupied by two or more families, and any member of either or any of those families objects to his continuing to lodge in such premises,

the committee, by any person authorised by it in this behalf, may, on the advice of any medical officer of rank not inferior to that of an Assistant Surgeon, remove the patient to any hospital or place at which persons suffering from

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such disease are received for medical treatment, and may do anything necessary for such removal.

142. If the committee considers that the Prohibition by committee of use of unwholesome water in any well, tank or other place is likely, if used for drinking, to engender or cause the spread of any dangerous disease, it may by public notice prohibit the removal or use of such water for drinking.

143. Neither of the two last foregoing sections shall take effect in a municipality until it has been specially extended thereto by the Local Government at the request of the committee.

Power to make Rules.

144. (1) A committee may, from time to time, at a special meeting, make rules—

- (a) for rendering licenses necessary for the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;
- (b) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons, where they are hired within the municipality for a period not exceeding twenty-four hours or for a service which would ordinarily be performed within twenty-four hours;
- (c) for securing a proper registration of births, marriages and deaths, and for the taking of a census;
- (d) for fixing, and from time to time varying, the number of persons who may occupy a building or part of a building which is let in lodgings or occupied by members of more than one family; for the registration and inspection of such buildings; for promoting cleanliness and ventilation in such buildings; for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings; and generally for the proper regulation of such buildings;
- (e) for the inspection and proper regulation of encamping-grounds, pounds, sarais, markets and slaughter-houses;
- (f) for the holding of fairs and industrial exhibitions within the municipality or under the control of the committee, and for fixing fees to be levied thereat;
- (g) for controlling and regulating the use and management of burial and burning grounds;
- (h) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use;

- (i) where the collection of an octroi-tax has been sanctioned, for fixing octroi-limits for the purpose of collecting that tax;
- (j) as to the exhibition of tables of octroi-tax, as to the system under which refunds are to be made on account of that tax when the animals or goods on which the tax has been paid are again exported, and as to the custody or storage of animals or goods declared not to be intended for use or consumption within the municipality into which they are brought;
- (k) as to the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the municipality;
- (l) as to the assessment and collection of any tax imposed under this Act and the fees payable in respect of notices of demand;
- (m) as to the appointment by owners of buildings and lands in the municipality, who are absent from the municipality, of persons residing within or near the municipality to act as their agents for all or any of the purposes of this Act or any rule thereunder; and
- (n) generally, for carrying out the purposes of this Act:

Provided that the committee of a municipality in which the Hackney Carriage Act, 1879, is in force shall not make rules under clause (a) or clause (b) in respect of any vehicles to which that Act applies.

(2) Rules under clause (j) of sub-section (1) may, among other matters, provide that no refund of octroi-tax shall be made when the refund claimable would be less than one rupee.

(3) When a cantonment authority, with the sanction of the Governor General in Council, has agreed with the committee of an adjoining municipality that the same octroi-limits shall be established for the cantonment and the municipality, and that octroi-collections and charges shall be divided between the cantonment fund and the municipal fund, the committee may fix limits under clause (i) of sub-section (1) so as to include so much both of the cantonment and of the municipal area as it may deem necessary, and shall have the same powers of collecting octroi on animals or goods brought within such limits, and the provisions of this Act relating to octroi shall apply in the same way, as if the said limits were wholly comprised in the area of the municipality.

145. The committee of a municipality wholly or in part situated in a hilly tract may, from time to time, at a special meeting, make rules—

- (a) for regulating or prohibiting the cutting or destroying of trees or shrubs, or the making of excavations or removal of soil or quarrying, where such regulation or prohibition appears to the committee to be necessary for the maintenance of a water-supply, the preservation of the soil, the prevention of land-slips or of the formation of ravines or torrents, or the protection of land against erosion or the deposit thereon of sand, gravel or stones;

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- (b) for the regulation or prohibition of any description of traffic in the streets where such regulation or prohibition appears to the committee to be necessary for the prevention of danger or grave inconvenience to the public;
- (c) for requiring owners of houses to provide cisterns for the preservation of rain-water;
- (d) for rendering licenses necessary for using premises within the bazaars of a municipality as stables or cow-houses;
- (e) for rendering licenses necessary within the municipality—
 - for persons working as casual porters for the conveyance of goods,
 - for animals or carriages let out on hire for a day or part thereof, and
 - for persons impelling or carrying such carriages;
- (f) for fixing the fees payable for such licenses as are referred to in this section, and the conditions on which such licenses are to be granted and may be revoked; and
- (g) for regulating the charges to be made for the services of such casual porters as aforesaid, and for the hire of such animals or carriages, and for the remuneration of persons who impel or carry such carriages.

146. (1) In making any rule under any section of this Chapter the committee may direct that a

Penalty for infringement of rule. breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

(2) In lieu of or in addition to such fine, the Magistrate may require the offender to remedy the mischief so far as within his power.

147. (1) No rule made under any section of this Chapter shall come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may prescribe in this behalf.

(2) The Local Government may cancel its confirmation of any such rule, and thereupon the rule shall cease to have effect.

Supplemental.

148. (1) When any notice under this Chapter requires any act to be done for which no time is fixed any notice, by this Act, it shall fix a reasonable time for doing the same.

(2) When the owner or occupier of any land or building fails to comply with the terms of any notice under this Chapter requiring him to do any act upon that land or building, the committee may, after six hours' notice, by its officers, cause the act to be done.

149. (1) Where, under this Act, the owner or occupier of property is required by the committee to execute any work and

makes default in complying with the requirement, and the committee executes the work, the committee may recover the cost of the work from the person in default.

(2) If the person in default is the owner, the committee may, by way of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the occupier may deduct any sum paid by him under this sub-section from the rent from time to time becoming due from him to the owner of the property in respect of which the payment is made, or otherwise recover it from the owner:

(3) Provided that an occupier shall not be required to pay, under the last sub-section, any sum greater than the amount of rent which is for the time being due from him to the owner, or which, after demand for payment of the money payable by him to the committee and notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(4) All money recoverable by a committee under this section may be recovered either by suit, or on application to a Magistrate having jurisdiction within the municipality by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of property shall, until it is paid, be a charge on the property.

(5) Nothing in this section shall affect any contract between an owner and an occupier.

150. (1) The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants, under this Act, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(2) If any dispute arises touching the amount of any compensation which the committee is required by this Act to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or, in default of agreement, in the manner provided by the Land Acquisition Act, 1870, sections 3, 8 to X of 1870, 42, 51 to 53, and 56 to 59, so far as they can be made applicable.

Appeals from orders of committee. **151.** (1) Any person aggrieved—

- (a) by the prohibition by a committee under section 92 of the erection or re-erection of a building, or
- (b) by a notice from a committee under sub-section (4) of section 92 or sub-section (2) of section 93 requiring the alteration or demolition of a building, or
- (c) by any order made by a committee under the powers conferred upon it by section 101, 132 or 136,